

Acts of the General Assembly of South-Carolina

South Carolina.

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ACTS AND JOINT RESOLUTIONS

B. J. Witherspoon
OF THE
Senate
of the
GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED AT THE

REGULAR SESSION OF 1869-'70.

PART I.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY, AND DESIGNED TO
FORM A PART OF THE FOURTEENTH VOLUME OF THE STATUTES
AT LARGE, COMMENCING WITH THE ACTS OF 1868.

COLUMBIA, S. C.:
JOHN W. DENNY, PRINTER TO THE STATE.
1870.

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ACTS OF THE GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

Passed at the Regular Session, which was begun and held at the city of Columbia, on the fourth Tuesday in November, A. D. 1869, and was adjourned, without day, on the first day of March, A. D. 1870.

ROBERT K. SCOTT, Governor. D. T. CORBIN and CHAS. W. MONTGOMERY, Presidents of the Senate. FRANKLIN J. MOSES, Jr., Speaker of the House of Representatives.

AN ACT TO REGULATE THE FORMATION OF CORPORATIONS.

A. D. 1869.

No. 188.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Three or more persons who shall have associated themselves together by articles of agreement, in writing, for the purpose of carrying on any mechanical, mining, quarrying or manufacturing business, and shall have complied with the provisions of this Act, shall be and remain a corporation, under any name indicating their corporate character, assumed in their articles of association, and which is not previously in use by any other corporation or company.

Persons associating to enter into agreement.

SEC. 2. The purpose for, and the place within, which such corporation is established, shall be distinctly and definitely specified in the articles of association, and such corporation shall not direct its operations or appropriate its funds to any other purpose.

Purpose and place to be stated.

SEC. 3. The first meeting of such corporations, hereafter organized, shall be called by notice, signed by one or more of the persons named in such agreement, stating the time, place and purposes of the meeting, a copy of which shall, seven days at least before the meeting, be given to each member, or published in some newspaper printed in the County where the corporation is to be located.

When first meeting shall be called.

SEC. 4. If doubts arise whether any such corporation is legally organized, the stockholders, at a special meeting called for the purpose, under their by-laws, or under the preceding Section, may, by vote, confirm such organization and all proceedings under it; and by so doing, and depositing one copy of such vote with the Clerk of the Court of Common Pleas for the County where the corporation is located, and one with the Secretary of State, such corporation and the subsequent acts thereof shall be held legal and valid, as if the original organization had been legal.

How legality may be confirmed.

A. D. 1869.

By-laws.

SEC. 5. Every corporation so organized, and its officers and stockholders, may make by-laws not repugnant to the laws of the State, with penalty for the breach thereof not exceeding twenty dollars for each offence.

By whom business shall be managed.

SEC. 6. The business of the company or corporation shall be managed and conducted by a President, or Board of Directors, a Clerk, Treasurer, and such other officers and agents and factors as the company authorizes for that purpose.

Officers to be elected annually.

SEC. 7. The Directors, Clerk and Treasurer shall be chosen annually by the stockholders, and shall hold their offices until others are chosen and qualified in their stead. The manner of such choice, and the mode of the choice or appointment of all other agents, factors and officers of the company, shall be prescribed by the by-laws.

The mode of choice.

Directors and President.

SEC. 8. The number of the Directors shall not be less than three; one of them shall be chosen President by the Directors, or by the company, as the by-laws shall direct.

Clerk.

SEC. 9. The Clerk shall be sworn, and shall record all the votes of the company in a book to be kept for that purpose, and perform such other duties as shall be assigned to him. The Treasurer shall give bond in such sum, and with such sureties, as shall be required by the by-laws, for the faithful discharge of his duty.

Treasurer to give bond.

How Stockholders may vote by proxy

SEC. 10. At all meetings of the Company, absent stockholders may vote by proxy, authorized in writing, but no proxy shall be valid unless executed and dated within six months previous to the meeting at which it is used, if the maker thereof resides in the United States; and no person shall, as proxy or attorney, cast more than fifty votes, unless all the shares so represented by him are owned by one person, and no officer of the corporation, as proxy or attorney, shall cast more than twenty votes. Every Company may determine, by its by-laws, what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting to constitute a quorum. If the quorum is not so determined, a majority in interest of the stockholders shall constitute a quorum.

Quorum.

How capital stock, legally fixed, may be increased.

SEC. 11. The capital stock of every Company, the amount whereof has been fixed and limited by such Company according to law, shall remain so fixed, subject to be increased or reduced pursuant to the provisions of this Act.

New Company shall fix capital stock.

SEC. 12. The amount of the capital stock of every Company not organized shall be fixed and limited by the Company, and shall, at its first meeting, be divided into shares, of which a record shall be made by the Clerk.

Certificates of shares.

SEC. 13. The shares shall be numbered, and every stockholder shall have a certificate under the seal of the corporation, and signed by the Treasurer, certifying his property in such shares as are expressed in the certificate.

May fix, and increase or diminish, capital stock and shares.

SEC. 14. The amount of capital stock of such corporation shall be fixed and limited in its articles of association. The corporation may increase or diminish its amount and the number of shares at any meeting of the stockholders specially called for the purpose; but the capital shall never be less than five thousand, nor more than five hundred thousand dollars, and no share shall be issued for less than its par value.

SEC. 15. Such corporation may, in its corporate name, take, hold and

convey such real and personal estate as is necessary for the purposes of its organization; may carry on its business, or so much thereof as is convenient, beyond the limits of the State, and may there purchase and hold any real or personal estate necessary for conducting the same.

A. D. 1869.

To hold real and personal property.

SEC. 16. Before such corporation commences business, the President, Treasurer, and a majority of the Directors shall sign, swear to, publish three times in some newspaper, printed in the town or County wherein such corporation is situated, and deposit with the Secretary of State a certificate, setting forth the corporate name and purpose of the association, the amount of the capital stock, the amount actually paid in, and the par value of the shares in the corporation, and shall file a copy thereof with the Clerk of the Court of Common Pleas, in the County wherein the corporation is situated, to be by him recorded in a book kept for the purpose. Within thirty days after the payment of any installment called for by the Directors, a certificate thereof shall be in like manner signed, sworn to, deposited, filed and recorded.

Certificates to be published, and copy thereof to be filed with the Secretary of State.

SEC. 17. When the capital stock and shares of any such corporation are increased or reduced, under the provisions of Section 14, a certificate thereof shall be made, signed, sworn to, deposited and recorded in the manner aforesaid.

Capital stock reduced.

SEC. 18. Shares may be transferred by the proprietor by an instrument in writing, under his hand, and recorded by the clerk of the corporation, in a book to be kept for that purpose. The purchaser named in such instrument, so recorded, shall, on producing the same to the Treasurer, and delivering to him the former certificate, be entitled to a new certificate.

Transfer of shares.

SEC. 19. Every Company may, from time to time, at a legal meeting called for the purpose, assess upon each share such sums of money as the Company think proper, not exceeding, in the whole, the amount at which each share was originally limited, and such sums assessed shall be paid to the Treasurer at such times and by such installments as the Company directs. No note or obligation given by the stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock.

Assessments upon shares.

SEC. 20. If the proprietor of any share neglect to pay a sum duly assessed thereon, for the space of thirty days after the time appointed for payment, the Treasurer of the Company may sell at public auctions a sufficient number of his shares to pay all assessments then due from him, with the necessary incidental charges.

Neglect to pay assessm't.

Sale of shares.

SEC. 21. The Treasurer shall give notice of the time and place appointed for such sale, and of the sum due on each share, by advertising the same three weeks successively before the sale, in some newspaper printed in the County where the corporation is established, and if there is no such paper, then in some newspaper printed in an adjoining County, and a deed of the shares so sold, made by the Treasurer, and acknowledged before a Justice of the Peace or Magistrate, and recorded as provided in Section 18, shall transfer said shares to the purchaser, who shall be entitled to a certificate thereof.

Mode of sale.

SEC. 22. The members of every Company shall be jointly and severally liable for all debts and contracts made by the Company, until the whole amount of capital stock fixed and limited by the Company in manner aforesaid, is paid in and a certificate thereof made and recorded as prescribed in the following Section.

Liabilities of members.

A. D. 1869. Certificate of am't of capital paid to be filed in registry of Mesne Conveyance.	SEC. 23. The President and Directors, with the Treasurer and Clerk of such Companies, shall, after the payment of the last installment of the capital stock, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the President, Treasurer, Clerk, and a majority of the Directors, and they shall cause the same to be recorded in the Registry of Mesne Conveyance for the County wherein the corporation is established.
Increase of capital stock.	SEC. 24. If a company increases its capital stock as before provided in this Act, the officers mentioned in the preceding Section, after payment of the last installment of such additional stock, shall make a certificate of the amount so added and paid in, sign and swear to the same, and cause it to be recorded in the manner therein provided.
Neglect of Officers.	SEC. 25. If any of said officers refuse or neglect to perform the duties required of them in the two preceding Sections, they shall be jointly and severally liable for all debts of the Company contracted after the expiration of thirty days from the payment of the last installment, and before such certificate is so recorded.
Diminution of the capital stock.	SEC. 26. If a corporation diminish its capital stock as hereinbefore provided, a certified copy of the resolution or vote for that purpose shall be recorded in the Registry of Mesne Conveyance for the County wherein the Company are established, and in default thereof, the Directors of the Company shall be jointly and severally liable for all debts of the Company contracted after thirty days from such reduction, and before the recording of such copy.
Part of capital stock withdrawn.	SEC. 27. If any part of the capital stock of a Company is withdrawn and refunded to the stockholders before the payment of all the debts of the Company contracted previously to the recording of the copy of the vote for that purpose in the Registry of Mesne Conveyance, as prescribed in the preceding Section, all stockholders of the Company shall be jointly and severally liable for the payment of such debts.
Certain certificates to be filed in Court of Common Pleas, &c.	SEC. 28. Every corporation organized under the provisions of this Act shall file the certificates required of corporations by Sections 23 and 24, and the Directors shall make, and the President, Treasurer and a majority of the Directors shall sign, swear to and deposit with the Clerk of the Court of Common Pleas for the County in which said corporation is established or located, within thirty days after the date of the annual or semi-annual meeting, next preceding the date of such certificate, a certificate stating the date of such annual and semi-annual meeting, the amount of capital stock paid in, the name and number of shares held by such stockholders, the amount vested in real estate and in personal estate, the amounts of property owned by, and debts due to the corporation, and the amount, as nearly as can be ascertained, of existing demands against the corporation; all as ascertained and exhibited at the date of such an annual or semi-annual meeting.
Liabilities for violation.	SEC. 29. If the officers of any such corporation violate the provisions of Section 2, or neglect or refuse to perform the duties required by Sections 16, 17 and 28, they shall be jointly and severally liable for all debts of the corporation contracted during the continuance of such violation, refusal or neglect.
Remedy.	SEC. 30. When the officers of such corporation have failed to perform the duties prescribed in Sections 16, 17 and 28, the certificates therein mentioned may be made, filed and published at any time after such

failure, and such officers shall not be personally liable for the debts of the corporation contracted after the requisitions of said Sections have been complied with.

A. D. 1869.

SEC. 31. If the Directors of any Company formed under this Act declare and pay any dividend, when the Company is insolvent, or the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the Company, then existing, and for all thereafter contracted, so long as they respectively continue in office: Provided, That the amount for which they shall all be so liable shall not exceed the amount of such dividend, and if any of the Directors are absent at the time of making the dividend, or object thereto, and file their objection in writing with the Clerk of the Company, they shall be exempted from such liability.

Payment of dividend if insolvent.

Liabilities.

SEC. 32. No loan of money shall be made by such Company to stockholders therein, and if any such loan is made to a stockholder, the officers who make it or assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the Company contracted before the re-payment of the sum so loaned.

Loan of money to stockholders.

SEC. 33. The whole amount of the debts which any such Company at any time owes, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the Directors under whose administration it occurs, shall be jointly and severally liable to the extent of such excess, for all the debts of the Company then existing, and for all that are contracted, so long as they respectively continue in office, and until the debts are reduced to the amount of the capital stock: Provided, That any of the Directors, who are absent at the time of contracting any debt contrary to the foregoing provisions, or who object thereto, may exempt themselves from liability, by forthwith giving notice of the fact to the stockholders at the meeting they may call for that purpose.

Debts not to exceed capital stock.

Directors liable.

Proviso.

SEC. 34. If any certificate made or public notice given by the officers of a Company, in pursuance of the provisions of this Act, is false in any material representation, all the officers who signed the same, knowing it to be false, shall be, jointly and severally, liable for all the debts of the Company contracted while they were stockholders or officers thereof.

False certificate.

SEC. 35. When any of the officers of a Company are liable, by the provisions of this Act, to pay the debts of the Company, or any part thereof, any person to whom they are so liable may have an action against any one or more of said officers, and the declaration in such action shall state the claim against the Company, and the grounds on which the Plaintiff expects to charge the Defendants, personally; and such action may be brought, notwithstanding the pendency of an action against the Company for the recovery of the same claim or demand; and both of the actions may be prosecuted until the Plaintiff obtains the payment of his debt, and the cost of both actions.

Officers liable for debts—how to be proceeded against.

SEC. 36. When the stockholders of such a Company are liable, by the provisions of this Act, to pay the debts of such Company, or any part thereof, their property may be taken therefor, on an order of attachment, or on execution issued against the Company for such debt, in the same manner as on orders of attachment and executions issued against them for their individual debts.

SEC. 37. An officer or stockholder of a Company, who voluntarily or by compulsion pays a debt of the Company, for which he is made liable

A. D. 1869.

Secretary of
State to print
abstract from
certificates
filed with him

by the provisions of this Act, may recover the amount so paid, in an action against the Company, paid for its use, in which action the property of the Company only shall be liable to be taken, and not the property of any stockholder.

SEC. 38. The Secretary of State shall annually prepare, cause to be printed, and on the fourth Tuesday of November submit to the General Assembly a true abstract from the certificates required by this Act to be deposited with him.

SEC. 39. The words "Corporation" and "Company" shall be construed as synonymous or interchangeable terms in this Act.

Additional
privileges.

SEC. 40. Corporations organized for the purpose of manufacturing cotton or woolen goods may, upon the consent of four-fifths of the stockholders, by vote, at a meeting called for the purpose, carry on the manufacture of silk, linen, wax or India rubber goods.

Legislature
may amend
or repeal cor-
poration.

SEC. 41. The Legislature may amend or repeal this Act so as to effect existing Corporations, and may, by special Acts, annul or dissolve any such Corporation.

Repealing
clause.

SEC. 42. The Act entitled "An Act to authorize and regulate the creation of private Corporations within this State," approved the twentieth day of December, A. D. 1866, is hereby repealed, in respect to all Corporations hereafter to be formed; but its provisions shall remain of force as to all Corporations which have already been organized under said Act: Provided, All Corporations organized under said Act may re-organize under the provisions of this Act.

Approved December 10, 1869.

No. 189. AN ACT TO DETERMINE THE MANNER OF COLLECTING TAXES PAST DUE, ASSESSED UNDER THE LATE PROVISIONAL AND MILITARY GOVERNMENT OF SOUTH CAROLINA.

Treasurers
to collect.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all past due and unpaid taxes, State or County, laid or levied under or by authority of the late Provisional Government, or under or by virtue of military orders, shall be paid and collected in the same manner by the County Treasurer, to whom the late Tax Collectors shall turn over all moneys, books, tax executions, papers and other property, now in their possession, as is provided in the Act entitled "An Act to provide for the assessment and taxation of property," ratified the fifteenth day of September, A. D. 1868.

Tax Collect-
ors to turn
over books,
moneys, &c.,
to Treasurer.

Executions
returned nul-
la bona.

SEC. 2. Fees for the actual collection of taxes only shall hereafter be allowed, and no costs or expenses shall be paid by the County or State on any executions issued, or hereafter to be issued, and returned *nulla bona*.

Repealing
clause.

SEC. 3. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved December 16, 1869.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT PROVIDING FOR THE ASSESSMENT AND TAXATION OF PROPERTY."

A. D. 1869.

No. 190.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 139 of an Act entitled "An Act providing for the assessment and taxation of property," be, and the same is hereby, amended so as to read, after the word "Act," in the third line, "except those assigned to assessment districts of more than three miles square, who shall each receive four dollars per day."

Amendment.

Approved December 16, 1869.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE LAW IN RELATION TO RECORDING MORTGAGES, AND TO REGULATE THE LIEN THEREOF."

No. 191.

Whereas, the office of the Secretary of State has been removed from the city of Charleston, and great inconvenience and delay has been caused by the provision of the Act ratified on the 19th of December, A. D. 1843, which requires mortgages of personality in Charleston County to be recorded in the office of the Secretary of State; therefore,

Preamble.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of the second Section of the Act of 1843 as requires mortgages of personal property in the County of Charleston to be recorded in the office of the Secretary of State be, and the same is hereby, repealed, and that from and after the passage of this Act, all such mortgages of personal property, in Charleston County, shall be recorded in the office of the Register of Mesne Conveyance for the said County, in the manner, and within the time prescribed by said Act for other Counties of said State.

Repealing clause.

Mortgages to be recorded in the Office of Register of Mesne Conveyance, at Charleston.

Approved December 16, 1869.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ENUMERATION OF THE INHABITANTS OF THIS STATE."

No. 192.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of Section 6 of an Act to provide for the enumeration of the inhabitants of this State, approved March 19th, 1869, as required that the work shall be completed by the first day of November, 1869, is hereby repealed.

Repealing clause.

SEC. 2. That the time for the completion of the Census returns is hereby extended to the thirty-first (31st) day of December, in the present year.

Amendment.

Approved December 18, 1869.

A. D. 1889.

AN ACT TO INCORPORATE THE CLAFLIN UNIVERSITY.

No. 193.

Corporators.

Trustees—
their powers.Removal of
Trustees.

Proviso.

Election of In-
structors, &c.Empowered
to hold cer-
tain buildingsHouses and
other build-
ings may be
constructed.

By-Laws.

Proviso.

Seal of cor-
poration.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That A. Webster, T. W. Lewis, Samuel Weston, R. K. Scott, Thomas Philips, Abram Middleton, Simeon Corley and J. A. Sasportas, their associates and successors, are hereby constituted a body corporate, by the name of the Trustees of the Claflin University, and they and their successors, and such as shall be duly elected members of said corporation, shall be and remain a body corporate by that name forever; and for the orderly conducting of the business of said corporation, the said Trustees shall have power and authority, from time to time, as occasion may require, to elect a President, Vice-President, Secretary and Treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices; and also, to remove any Trustee from the said corporation, when, in their judgment, he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and to elect new members of said corporation: Provided, nevertheless, That the number of members shall never be less than seven, and more than twenty-one, and their qualifications and term of service shall be fixed at the first meeting of the corporation, which may be appointed at the call by any three of the Trustees herein named, at any time after the passage of this Act.

SEC. 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the Trustees to convene at such meetings; and also, to establish boards of instruction in all departments of science and the arts, to elect a President of said University, and such professors, tutors, instructors, and other University officers, as they shall judge for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their respective offices. And the said corporation is further empowered to hold and control the buildings formerly known as the Orangeburg Female College, located in the town of Orangeburg, in the County of Orangeburg, and State of South Carolina, to be hereafter known as the Claflin University, with all lands and appurtenances which may be transferred to said corporation, for the purpose of aiding and sustaining said institution in promoting the interests of education. This corporation may purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said University; and also, to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the Constitution and laws of this Commonwealth, with reasonable penalties, for the good government of the said University, and for the regulation of their own body; and also, to determine and regulate the courses of instruction and departments in said University, and to confer degrees: Provided, nevertheless, That no degrees shall be conferred except upon the recommendation of the appropriate Faculty, and the approval of the Trustees.

SEC. 3. That the said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law as the deeds of said corpora-

tion; and said corporation may sue and be sued in all actions, real, personal and mixed, and may prosecute the same to final judgment and execution, by the name of the Trustees of Claflin University; and said corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, devise, bequest, or otherwise, any land, tenements, or other estate, real or personal: Provided, That the clear annual income of the same shall not exceed fifty thousand dollars.

A. D. 1869.

To hold estates, real or personal, &c.

SEC. 4. That the clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the maintenance and endowment of said University, in such manner as shall most effectually promote virtue, and piety and learning, in such of the languages, and of the liberal and useful arts and sciences as shall be recommended from time to time by the said corporation, they conforming to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed for any particular object connected with the University.

Rents and profits.

Donations.

SEC. 5. No instructor in said University shall ever be required by the Trustees to have any particular complexion or to profess any particular religious opinions as a test of office, and no student shall be refused admission to, or denied any of the privileges, honors, or degrees of, said University on account of race, complexion or religious opinions which he may entertain: Provided, nevertheless, That this Section, in reference only to religious opinions, shall not apply to the theological department of said University.

Discrimination on account of race, &c., prohibited.

Proviso.

SEC. 6. That this Act shall take effect upon its passage.

Approved December 18, 1869.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE INTEREST OF THE BONDS AND STOCKS OF THIS STATE IN COIN. No. 194.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the interest on the bonds and stocks of this State, except those issued during the period from December first, (1st,) A. D. eighteen hundred and sixty, (1860,) to April nineteenth, (19th,) A. D. eighteen hundred and sixty-five, (1865,) shall be paid in gold or silver coin: Provided, That the interest on bonds issued for the building of the new State House shall not be excluded from being paid in coin by any provision of this Act.

Interest of bonds, &c., to be paid in coin.

Proviso.

SEC. 2. That the Treasurer of this State is hereby authorized and required to make the necessary exchanges, through the Financial Agent of this State in New York, to carry this Act into effect.

Treasurer authorized to carry into effect.

SEC. 3. That this Act shall take effect immediately.

Approved December 18, 1869.

A. D. 1869.

No. 195.

AN ACT IN RELATION TO THE OFFICE OF REGISTER OF MESNE CONVEYANCE FOR THE COUNTY OF CHARLESTON, AND TO FIX THE TENURE OF WILLIAM J. MCKINLAY, ELECTED THERETO.

Preamble.

Whereas, William J. McKinlay was duly elected to the said office, by the General Assembly, on the 9th day of December, A. D. 1868, was commissioned, according to law, and qualified on the 6th day of January, 1869; and whereas, by reason of proceedings pending in the Courts, in reference to the time at which his term of office commences, he has not been enabled to enter on the duties of said office; therefore,

Term of office.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the term of office of the said William J. McKinlay, as Register of Mesne Conveyance, for the County of Charleston, shall continue for four years from the date on which he shall enter on the duties of the same, and until his successor therein shall duly qualify and enter upon the duties of said office.

Repealing clause.

SEC. 2. All Acts or parts of Acts inconsistent with this Act, or in any way conflicting with the provisions of this Act, are hereby repealed.

Approved December 22, 1869.

No. 196. AN ACT TO BETTER PROTECT HOLDERS OF INSURANCE POLICIES IN THIS STATE.

Bonds to be deposited with Comptroller General.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, No Company or Association which is now organized, or which may be hereafter organized in this State, to carry on the business of insurance of any kind or kinds, shall proceed further with business or to business (as the case may be) until they have deposited with the Comptroller-General of this State bonds or stocks of this State equal to the sum of fifty thousand dollars par value for each Life Insurance Company or Association, and twenty thousand dollars par value for each other Insurance Company or Association. The Comptroller-General shall hold such bonds or stocks as security for policy holders in said Company or Association; but, so long as any Company or Association so depositing shall continue solvent, the Comptroller-General may permit such Company to collect and receive the interest on such bonds or stocks so deposited.

Comptroller General may permit collection of interest thereon.

Shall furnish certificate of deposit.

SEC. 2. Whenever any Company or Association is, or shall become fully organized, and the said Company or Association have deposited with the Comptroller-General the requisite amount of State bonds or stocks, it shall become his duty to furnish the Corporation or Association with a certificate of such deposit, which certificate, or duplicate thereof, certified by the Comptroller-General, may be used in and be evidence for and against the Corporation in all suits.

SEC. 3. It shall not be lawful for any person or persons, Corporation or Corporations, Association or Associations, to act within this State as

agent, or otherwise, in receiving or procuring applications for insurance of any kind or kinds, or in any manner to solicit any one to insure, or in any manner to aid in transacting the business of insurance of any kind or kinds for any Company or Association incorporated by, or organized under the laws of this or any other State Government, or any foreign government, until such Company or Association have deposited with the Comptroller-General of this State, for the benefit of the policy holders of such Company or Association, citizens or residents of the United States, bonds or stocks of this State equal to the sum of fifty thousand dollars par value for each Life Insurance Company or Association, and twenty thousand dollars par value for each other Insurance Company or Association; but so long as any Company or Association so depositing shall continue solvent, the Comptroller-General may permit such Company or Association to collect and receive the interest on such bonds or stocks so deposited, and have appointed an Attorney in this State on whom process of law can be served; and said Attorney shall have filed with the Comptroller-General a certified copy of the charter of said Company or Association, and also a certified copy of the vote or resolutions of the Trustees or Directors of such Company or Association appointing him the Attorney of such Company, which appointment shall continue until another Attorney be substituted; which shall be done upon the death, removal, or incapacity to act of such Attorney, or may be done by such Company or Association at any time. When the foregoing requirements, and such other requirements as now are, or may hereafter be required by law, shall have been complied with, the Comptroller-General shall give a certificate to that effect, and also state the name of the Attorney, which certificate, when filed in the County Clerk's Office of the County where the agency is to be located, shall be the authority to commence business.

A. D. 1869.

Attorney to be appointed.

His duties.

Comptroller General shall give certificate to be filed in the County Clerk's Office.

Violation. Penalty.

To whom paid

Imprisonment.

Identical bonds to be returned.

State responsible therefor.

Repealing clause.

SEC. 4. Every violation of this Act shall subject the Company or Association, or agent or agents, violating, jointly and severally, to a penalty of five hundred dollars for each violation, which shall be sued for and recovered in a joint or several civil action, in the name of the State of South Carolina, by the Solicitor of the Circuit in which the Company or Association, or agent or agents, so violating, shall be situated; one-half of such penalty, when recovered, shall be paid into the County Treasury of such County, and the other half to the informer of such violation; and, in case of the non-payment of such penalty, the person or persons so offending shall be liable to imprisonment for a period not exceeding one year, in the discretion of the Court having cognizance thereof.

SEC. 5. The Comptroller-General shall safely and separately keep the bonds or stocks of each Company or Association, and shall return the identical bonds or stocks received; and, during the usual office hours, shall keep the bonds or stocks subject to examination of the representative of any Company or Association having made a deposit, as required by this Act; and the State shall be responsible for the return of all of said bonds or stocks by the Comptroller-General.

SEC. 6. All Acts and parts of Acts inconsistent or conflicting with this Act are hereby repealed.

SEC. 7. This Act shall take effect sixty days after its passage.

Approved December 22, 1869.

A. D. 1869.

AN ACT TO INCORPORATE THE ASHLEY BRIDGE COMPANY.

No. 197.

Corporators.

To establish
Bridge.

Capital stock.

Subscribers.

Neglect to
pay install-
ment.Sale of shares
—how & when
to be made.Liabilities of
Stockholders.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That James T. Welsman, John H. Holmes, Samuel Lord, Jr., George L. Holmes, E. W. Macbeth, E. P. Toomer, and their associates and successors, are hereby made and created a body politic and corporate, in deed and in law, by the name of the "Ashley Bridge Company," for the purpose of establishing a bridge over Ashley River, at such point in St. Andrew's Parish as they shall hereafter determine on, with a capital of ten thousand dollars, to be divided into two hundred shares of fifty dollars each.

SEC. 2. That such company shall have power, from time to time, to increase their capital stock to any amount not exceeding twenty thousand dollars, including their present capital stock: Provided, A majority of the stockholders present at any general meeting, or the Board of Directors by their authority, shall determine; and such additional stock shall be divided exactly among the stockholders in proportion to their shares in the capital stock of the Company at the time of such increase; but in case any stockholder should not desire to take his or her proportion of such increased stock, the same shall be allotted among the remaining stockholders, or books may be opened for the purpose of obtaining subscribers to such increased stock in such manner as the Company may deem expedient; and in no case shall the members who are unwilling to take their proportion in such increase of stock be assessed to contribute or to make up such increase. Such additional stock shall be subject to all the same provisions, restrictions and conditions as are directed by the provisions of this Act; and any such additional subscribers shall thereby become members of this Company, and subject, in like manner, in proportion to their interests, to all the burthens, liabilities responsibilities and conditions imposed upon the members of this Company.

SEC. 3. That if the proprietor of any share shall neglect to pay any installment assessed thereon for the space of sixty days after the time appointed for the payment thereof, the Treasurer of the Company, by the order of the Directors, may sell, by public auction, a sufficient number of shares standing in the name of such stockholders to pay all the installments then due from him, with all necessary incidental charges. The Treasurer shall give notice of the time and place of sales, and of the sum due, by advertising the same three weeks successively before the sale in one of the Charleston newspapers; and a bill of sale of the share or shares so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

SEC. 4. That every shareholder of the said Company shall be individually liable for all debts contracted during the time he or she shall be a shareholder in the said Company to the extent of the par value of his or her shares in the same: Provided, That no person holding stock in the said Company as executor, administrator, gurdian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of said company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, guardian or trustee, shall be liable, in like manner and to the

same extent, as the testator or intestate, or the ward or person interested in such trust fund, would have been, if he had been living, and competent to act and hold the said stock in his own name: And provided, further, That no stockholder shall be personally liable for the payment of any debt contracted by the said Company which is not to be paid within two years from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against said Company within six years after the debt shall become due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in said Company for any debt so contracted, unless the same shall be commenced within six years from the time he shall have ceased to be a stockholder in said Company, nor until an execution against the Company shall have been returned unsatisfied in whole or in part.

A. D. 1869.

SEC. 5. That the said corporation, by their name aforesaid, shall have perpetual succession of officers and members, to be appointed according to the by-laws and regulations which they may establish for the government of the said corporation; and they shall have a common seal, with power to break, alter and make new the same as often as they shall deem expedient.

By-Laws.

Seal.

SEC. 6. That the said corporation shall be able and capable in law to purchase, have, hold, take, possess, retain and enjoy to itself in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature soever, and to sell, alien and dispose of the same as they may think proper, and by the name aforesaid, to sue and be sued, implead and be impleaded, answer and be answered, in any Court, and to make such rules and by-laws, not repugnant or contrary to the laws of the land, as for the good order and proper government of the said corporation may by the same be thought expedient or necessary.

Property.

Power to sue
and be sued,
&c.

SEC. 7. That the said Company shall be, and they are hereby, authorized and empowered, as aforesaid, to establish a bridge over Ashley River, at such point in the Parish of Saint Andrews, in the County of Charleston, as they shall hereafter fix and determine on, which shall be vested in the said Company, their successors and assigns, in perpetuity, and they shall be authorized and empowered to exact and receive the following toll, viz: For every foot passenger, five cents; for every man and horse or mule, twenty-cents; for every led horse or mule, fifteen cents; for carriage, omnibus or stage coach drawn by four horses, or other draft animals, one dollar and fifty cents; for ditto, by two horses or other draft animals, one dollar; ditto, by one horse or other draft animals, seventy-five cents; for every buggy drawn by two horses or other draft animals, seventy-five cents; ditto, drawn by one draft animal, thirty cents; for every wagon drawn by four draft animals, seventy-five cents; ditto, by three draft animals, fifty cents; ditto, by two draft animals, thirty cents; ditto, by one draft animal, twenty-five cents; for every cart, drawn by two draft animals, thirty cents; for ditto, drawn by one draft animal, fifteen cents; for every sulky or gig, drawn by one animal, thirty cents; for every head of mules, cows, stock, cattle, five cents each; for every head of hogs, sheep, goats, calves, each two cents; for every passenger and vehicle going and returning on the same day, one fare.

Rate of toll.

SEC. 8. That no bridge or ferry shall hereafter be established on the said river within three miles of the bridge that shall be established by the said Company under and by virtue of this Act: Provided, never-

A. D. 1869.

Bridge—its
construction.

theless, That the said bridge shall be completed within five years: And provided, also, That the said bridge shall be at least twenty-five feet wide, and there be a draw in the said bridge in the channel of the river, in such place as the same is deepest and most easily navigable, and not less than thirty feet wide, for the passage of vessels through the said bridge, with such anchors and buoys as shall be necessary and convenient to facilitate and secure such passage: Provided, That said corporation shall be subject to any law hereafter made regulating rates of tolls over said bridge.

Appointing
Commission-
ers to receive
Subscriptions
—their duties.

SEC. 9. That James Price, Arthur H. Locke and George L. Holmes, or a majority of them, be, and they are hereby, appointed Commissioners to receive subscriptions for the establishment of the Company aforesaid; for which purpose they shall meet at the office of the said James Price, Number Eighty-six, Broad street, in the City of Charleston, on the eleventh day of January next, and there receive the subscriptions of all such persons as shall be desirous of subscribing and associating, for the purpose of becoming members of the corporation aforesaid.

How bridge
may be con-
demned to
public use.

SEC. 10. That this Act shall be deemed and taken to be a public Act, and shall continue in force for the term of twenty years, and until the first meeting of the General Assembly thereafter. If at any time one or more of the adjoining townships or the County, desire said bridge to become open and free to the public, they or either of them may have the same condemned to the public use by the County Commissioners of Charleston County, on payment to the corporation of such sum as shall be awarded by three Special Commissioners impartially chosen for that purpose by the parties, and if they fail to agree, then by the Court of Common Pleas of Charleston County.

Court Com-
mon Pleas.

SEC. 11. The General Assembly may alter or amend this Act at pleasure.

Approved, December 22, 1869.

No. 198.

AN ACT TO PREVENT AND PUNISH BRIBERY AND CORRUPTION.

Offers, pro-
mises, &c., of
corrupt na-
ture.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Whoever corruptly gives, offers or promises to any executive, legislative or judicial officer, after his election or appointment, either before or after he is qualified, or has taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision or judgment on any matter, question, cause or proceeding which may be then pending, or may be pending, or may by law come or be brought before him in his official capacity, shall be punished by imprisonment in the State Penitentiary at hard labor, not exceeding five years, or by fine not exceeding three thousand dollars, and imprisonment in jail not exceeding one year.

Penalty.

Executive
and other offi-
cers accept-
ing gifts, gra-
tuities, &c.

SEC. 2. Every executive, legislative or judicial officer who corruptly accepts a gift or gratuity, or a promise to make a gift or to do an act beneficial to such an officer, under an agreement, or with an understanding that his vote, opinion or judgment shall be given in any particular

manner, or on a particular side of any question, cause or proceeding which is or may be by law brought before him in his official capacity, or that, in such capacity, he shall make any particular nomination or appointment, shall forfeit his office, be forever disqualified to hold any public office, trust or appointment under the laws of this State; and be punished by imprisonment in the State Penitentiary at hard labor not exceeding ten years, or by fine not exceeding five thousand dollars, and by imprisonment in jail not exceeding two years.

A. D. 1869.

Penalty.

SEC. 3. Whoever corrupts, or attempts to corrupt, any juror, arbitrator, umpire or referee, by giving, offering or promising any gift or gratuity whatever, with intent to bias the opinion or influence the decision of such juror, arbitrator, umpire or referee in relation to any cause or matter pending in the Court, or before an inquest, or for the decision of which such arbitrator, umpire or referee has been chosen or appointed, shall be punished by imprisonment in the State Penitentiary at hard labor not exceeding five years, or by fine not exceeding one thousand dollars, and imprisonment in jail not exceeding one year.

Persons corruptly influencing opinion of jurors, &c.

Penalty.

SEC. 4. If any person summoned as a juror, or chosen or appointed as an arbitrator, umpire or referee, corruptly receives any gift or gratuity whatever from a party to a suit, cause or proceeding, for the trial or decision of which such juror has been summoned, or for the hearing or determination of which such arbitrator, umpire or referee has been chosen or appointed, he shall be punished by imprisonment in the State Penitentiary at hard labor not exceeding five years, or by fine not exceeding one thousand dollars, and imprisonment in jail not exceeding one year.

Jurors, umpires, &c., accepting money.

Penalty.

SEC. 5. Whoever conveys into a Jail, House of Correction, State Penitentiary, House of Reformation or other like place of confinement, any disguise, instrument, tool, weapon or other thing adapted or useful to aid a prisoner in making his escape, with intent to facilitate the escape of any prisoner there lawfully committed or detained; or by any means whatever aids or assists such prisoner in his endeavor to escape therefrom, whether such escape is effected or attempted or not; and whoever forcibly rescues any prisoner held in custody upon any conviction or charge of offence, shall be punished by imprisonment in the State Penitentiary at hard labor not exceeding seven years; or, if the person whose escape or rescue was effected or intended was charged with an offence not capital, nor punishable by imprisonment, then by imprisonment in the State Penitentiary at hard labor not exceeding two years, or by fine not exceeding five hundred dollars.

Aiding prisoners to escape.

Rescue of prisoners.

Penalty.

SEC. 6. Whoever aids or assists a prisoner in escaping, or attempting to escape, from an officer or person who has the lawful custody of such prisoner, shall be punished by imprisonment in the State Penitentiary at hard labor not exceeding two years, or by fine not exceeding five hundred dollars.

SEC. 7. If a jailer or other officer wilfully suffers a prisoner in his custody, upon conviction or any criminal charge, to escape, he shall suffer the like punishment and penalties as the prisoner suffered to escape was sentenced to, or would be liable to suffer upon conviction of the crime or offence wherewith he stood charged.

Jailor suffering prisoner to escape penalty.

SEC. 8. If a Sheriff, Constable or other officer authorized to serve legal process, receives from a Defendant or any other person any money or other valuable thing as a consideration, reward or inducement, for

Sheriff, Constable, &c. accepting money, &c.

A. D. 1869.

Penalty.

omitting or delaying to arrest a Defendant, or to carry him before a Magistrate, or for delaying to take a person to prison, or for postponing the sale of property under an execution, or for omitting or delaying to perform any duty pertaining to his office, he shall be punished by fine not exceeding three hundred dollars.

Approved December 22, 1869.

- No. 199. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT A PHYSICIAN TO ATTEND ON THE JAIL IN CHARLESTON, AND THE MAGAZINE GUARD IN ST. PHILLIP'S PARISH, AND FOR OTHER PURPOSES THEREIN MENTIONED."

Amendment.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 2 of the above Act be amended by striking out the words "five hundred," on the third line, and inserting the words "one thousand" in lieu thereof.

Repealing clause.

SEC. 2. That all Acts or parts of Acts, inconsistent with this Act be, and the same are hereby, repealed.

Approved December 22, 1869.

- No. 200. AN ACT TO MAKE APPROPRIATION FOR THE PAYMENT OF THE PER DIEM AND MILEAGE OF THE MEMBERS OF THE GENERAL ASSEMBLY AND THE SALARIES OF THE SUBORDINATE OFFICERS, AND OTHER EXPENSES INCIDENTAL THERETO.

Appropriating \$125,000.

SECTION. 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That for the payment of the per diem and mileage of the members of the General Assembly, and the salaries of the subordinate officers, and other expenses incidental thereto, the sum of one hundred and twenty-five thousand dollars, if such be necessary, be, and the same is hereby, appropriated out of any funds in the Treasury, not otherwise appropriated.

Clerks of both Houses to furnish certificates to members.

SEC. 2. That the Clerks of the Senate and House of Representatives be, and they are hereby, authorized and directed to furnish to each member of their respective bodies, a pay certificate for the amount of his mileage and per diem, to include such dates as the General Assembly shall, by concurrent resolution, direct.

Certificates —by whom to be signed.

SEC. 3. That such certificates shall conform to the provisions of Section 23, Article II, of the Constitution of the State, and shall be certified by the President of the Senate, and attested by the Clerk of the Senate, for all members of that body, and by the Speaker of the House of Representatives, and by the Clerk of the same, for all members of that body.

Subordinates.

SEC. 4. That the subordinate officers and employees of this General Assembly shall, in like manner, be furnished with certificates of pay in such amounts as shall be fixed by that branch of the General Assembly

to which such officers and employees shall respectively belong: Provided, however, That the pay certificates for services common to the two Houses, shall be signed by the President of the Senate, and countersigned by the Speaker of the House of Representatives.

A. D. 1869.
Service common to both Houses.

SEC. 5. That the Treasurer of this State is hereby authorized and directed to pay said certificates out of any funds in the Treasury not otherwise disposed of, and to hold the certificates as his vouchers therefor.

Treasurer authorized to pay.

Approved December 22, 1869.

AN ACT TO SUPPLEMENT THE ACT ENTITLED "AN ACT TO INCORPORATE THE SOUTH CAROLINA IMPROVEMENT AND TRUST COMPANY," APPROVED MARCH 23D, 1869.

No. 201.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the corporate name of the South Carolina Improvement and Trust Company shall be changed to the South Carolina Bank and Trust Company; and said corporation shall also have all the powers and privileges conferred by the Act entitled "An Act to incorporate the Citizens' Savings Bank of South Carolina," approved February 13th, A. D. 1869; and said corporation shall have the right to purchase, lease, hold, use, sell, or mortgage, or loan upon any property, real or personal, or corporate, in this or any other State, subject to the provisions of its original charter.

Power to dispose of property.

SEC. 2. That a meeting of the stockholders shall be held within thirty days from the passage of this Act, for the purpose of re-organization, and election of officers to serve until the next annual meeting.

Mode of re-organization.

Approved December 22, 1869.

AN ACT TO RENEW THE CHARTER OF THE COLUMBIA HEBREW BENEVOLENT SOCIETY.

No. 202.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Columbia Hebrew Benevolent Society, of Columbia, be, and the same is hereby, renewed and extended for the term of twenty-one years from the ratification of this Act; and that all acts done by the said Society since the expiration of its charter, in conformity thereto, shall be, and the same are hereby, declared to be as good and valid, to all intents and purposes, as if the same had been done before the expiration of its charter.

Charter extended.

Former action declared valid.

Approved December 22, 1869.

AN ACT CONSENTING TO THE SALE OF CERTAIN LANDS TO THE UNITED STATES, AND CEDING JURISDICTION THEREOF.

No. 203.

Whereas, the Congress of the United States of America, at the third session of the Fortieth Congress, passed an Act entitled "An Act making

Preamble.

A. D. 1869.

appropriations for sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes," which Act was approved on the third day of March, in the year of our Lord one thousand eight hundred and sixty-nine; and the said Act, among other things, provided as follows:

Proviso.

For purchase of building known as "The Club House," at Charleston, South Carolina, and the fitting up thereof for the use of the United States Courts, forty-six thousand dollars, or so much thereof as may be required, and the Secretary of the Interior is hereby authorized to make such purchase, and fit up said building for the said purpose: Provided, That the same can be done at an expense not larger than said forty-six thousand dollars.

And whereas, by a joint resolution of the Congress of the United States, approved September the eleventh, one thousand eight hundred and forty-one, entitled "Joint Resolution making it the duty of the Attorney-General to examine into the titles of lands and sites for the purpose of erecting thereon armories and other public works and buildings, and for other purposes," it was resolved, among other things, that no public money should be expended upon any site or land thereafter to be purchased by the United States, for the purposes aforesaid, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, and also the consent of the Legislature of the State in which the land or site may be should be given to said purchase; therefore,

Consenting
to sale of cer-
tain land to
United States.

Description
of land.

Exemption
from taxes.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the consent of the General Assembly of the said State be, and is hereby, given to the United States of America to purchase, in fee simple, from the owner or owners thereof, for a court house and offices connected therewith, for the use of the United States Courts, or for any other purposes to which the Government of the United States may think proper to apply it, and to exercise authority and jurisdiction over all that lot, piece or parcel of land, with the buildings thereon, known as "The Charleston Club House," situate, lying and being on the west side of Meeting Street, in said city, measuring and containing in front, on Meeting Street, fifty-eight feet, more or less, by about two hundred and thirty-six feet in depth, more or less; bounding north on lands now or late of Wm. P. Greenland; to the east on Meeting Street; to the south on lands of M. C. Mordecai; and to the west on lands of the French Protestant Church: Provided, That all process, civil or criminal, issued under the authority of this State, or any officer thereof, shall and may be served and executed on any part of the said premises, and on any person or persons there being and implicated in any matter of law: And provided, always, That the said lot of land, and all the buildings and structures of every kind already thereon erected, or that may hereafter be erected thereon, shall be absolutely and forever exempt from all taxes of the County of Charleston, and the corporation of the city of Charleston, and of the aforesaid State: Provided, further, That all taxes heretofore laid or levied upon the said land shall be a lien thereon till paid.

Approved December 23, 1869.

AN ACT TO AUTHORIZE ADMINISTRATORS, EXECUTORS, AND OTHER FIDUCIARIES, TO SELL CERTAIN EVIDENCES OF INDEBTEDNESS AT PUBLIC SALE, AND TO COMPROMISE IN CERTAIN CASES.

A. D. 1870.

No. 204.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all Administrators, Executors, and other fiduciaries, shall be allowed to sell, to the highest bidder, as other personal property is now sold, all notes, accounts, and other evidences of indebtedness coming into their hands as such, when the same is appraised doubtful or worthless, and the purchaser thereof shall be allowed to bring his action in his own name, as purchaser, to collect the same.

SEC. 2. That all Administrators, Executors, and other fiduciaries, may, by and with the consent of the Probate Judge, compromise all demands coming into their hands as such, where the same is appraised doubtful or worthless; and, where such compromises are made, the same shall be fully shown in their annual returns.

Administrators, &c., to compromise demands with the consent of the Probate Judge.

Approved January 14, 1870.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO ORGANIZE TOWNSHIPS AND TO DEFINE THEIR POWERS AND PRIVILEGES."

No. 205.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to organize Townships and to define their powers and privileges," be, and the same is hereby, repealed, except that portion of the same fixing the number, names and boundaries of the respective townships of the respective Counties.

Approved January 19, 1870.

AN ACT TO PROTECT THE RIGHTS OF PERSONS LAWFULLY IN POSSESSION OF LANDS AND TENEMENTS.

No. 206.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That after final judgment in an action to recover lands and tenements, in favor of the Plaintiff, if the Defendant has purchased the lands and tenements recovered in such action, or taken a lease thereof, or those under whom he holds has purchased a title to such lands and tenements, or taken a lease thereof, supposing at the time of such purchase such title to be good in fee, or such lease to convey and secure the title and interest therein expressed, such Defendant shall be entitled to recover of the Plaintiff in such action the full value of all improvements made upon such land by such Defendant, or those under whom he claims, in the manner hereinafter provided.

Awarding to tenant full value of improvements made in certain case.

SEC. 2. The sum which such land shall be found, at the time of the

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What to be
deemed value
of improve-
ments.

rendition of such judgment, to be worth more, in consequence of improvements so made, than it would have been had no such improvements or betterments been made, shall be deemed to be the value of such improvements or betterments.

Complaint—
how and when
filed.

SEC. 3. The Defendant in such action shall, within forty-eight hours after such judgment, or during the term of the Court in which the same shall be rendered, file a complaint against such Plaintiff for so much money as the lands and tenements are so made better, in the office of the Clerk of such Court, which shall be sufficient notice to the Defendant in such complaint to appear and defend against the same, and all subsequent proceedings shall be had in accordance with the practice prescribed in the Code of Procedure.

Court to stay
proceedings.

SEC. 4. The Court, on the entry of such action, shall stay all proceedings upon the judgment obtained in the prior action, until a final judgment shall be rendered in this action; and the lands and tenements so recovered shall be held to respond to any judgment which shall be rendered on such complaint, in the same manner and for the same time as if the same had been attached on mesne process.

No recovery
for mesne pro-
fits.

SEC. 5. Execution on the judgment rendered in such action shall issue only against the land and tenements recovered, as in Section 1, and shall not, in any case, issue against the goods and chattels or other lands of the Defendant.

To whom pro-
visions of this
Act not appli-
cable.

SEC. 6. The Plaintiff, in an action for the recovery of lands and tenements, shall recover nothing for the mesne profits of the land, except on such improvements as were made by him or those under whom he claims.

SEC. 7. The foregoing provisions, relating to betterments, shall not extend to any person who has entered on land by virtue of any contract made with the legal owner of such land, unless it shall appear, on the trial of the action of the case, that such owner has neglected to fulfill such contract on his part, in which case such person in possession shall be entitled to all the privileges hereinbefore provided for those who entered upon land under supposed title, and the same proceedings shall be had, and the land shall be held in the same manner as is hereinbefore provided.

Approved January 19, 1870.

No. 207. AN ACT TO INCORPORATE THE POLICY HOLDERS' LIFE AND TONTINE ASSURANCE COMPANY OF THE SOUTH.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same: That Wm. C. Bee, Robt. Mure, Corporators. Henry Cobia, Andrew Simonds, John R. Dukes, Geo. W. Williams, Jas. R. Pringle, W. K. Ryan, L. D. Mowry, Henry Bischoff, William G. Whilden, A. S. Johnson, George H. Moffett, James Conner, Wm. McBurney, Geo. E. Boggs, John S. Preston, James Woodrow, E. P. Alexander, Edwin J. Scott, John B. Palmer, R. O'Neale, Jr., Wm. M. Shannon, Henry McIver, D. Wyatt Aiken, Giles J. Patterson, James P. Boyce, J. Leighton Wilson, Robert L. McCaughrin, E. Nye Hutchison,

J. Harvey Wilson, Murdock McRea, Z. B. Vance, and all other persons who may associate with them, shall be a body politic and corporate, by the name of the Policy Holders' Life and Tontine Assurance Company of the South, and by that name shall have succession of officers and members, may sue and be sued, plead and be impleaded, in any court whatever, and may exercise all such corporate powers and franchises as are hereinafter provided.

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SEC. 2. The business of the Company shall be to make insurance upon the lives of individuals, and every insurance appertaining thereto, or connected therewith, and to grant, purchase or dispose of annuities. The insurance business of the Company shall be conducted on the mutual plan. The premiums on all policies issued by the Company shall be paid in cash. For any omission to pay any premium due to the Company after payment of one or more annual premium or premiums, or for any other violation of the conditions of any policy, after said payment, (save and except those against fraud or attempted fraud, hereinafter provided for,) the party insured may be required to surrender his or her policy to the Company to be cancelled, and in lieu thereof shall be entitled to receive in cash, or its equivalent in insurance, the surrender value thereof, at the time the premium becomes due and is not paid, or at the time when, for any other cause, the policy may be required to be surrendered as aforesaid. In lieu of cash, the trustees may, at their own option, issue a temporary policy of insurance for such a term as the said surrender value, considered as a net single premium, may purchase, and the said term shall be determined according to the age of the party at the time of the lapse of the premium, or at the time when, for other cause, the policy may be required to be surrendered, and the assumption of mortality and rate of interest upon which premium or premiums paid were based. For any violation of the conditions of a policy designed to protect the Company against fraud or attempted fraud, the Trustees may forfeit the policy, and may apply all the previous payments to the use and benefit of the Company. The principal office for the transaction of the business of the Company shall be in the City of Charleston, South Carolina, or at such other place as the Trustees may select.

Business—
how conduct-
ed.

Premiums.

Omission to
pay.

Cancellation.

Surrender of
premiums.Principal of-
fice.

Branches of the Company, and agencies thereof, may be established by the Trustees in any other place.

SEC. 3. The corporate powers and franchises of the Company hereby created shall be vested in a Board of Trustees, and shall be exercised by them, and by such officers and agents as they may appoint, and from time to time empower. The Board of Trustees shall consist of not less than thirty-six persons, a majority of whom shall be residents of the State of South Carolina, and one-half, and more than one-half of those residing in the State, shall be residents of the City of Charleston, and no one shall be a Trustee who is not a policy holder in the Company.

Board of
Trustees, &c.

The Board of Trustees may, previous to any annual election of Trustees, and after giving notice at a previous meeting of the Board, provide for diminishing the number of Trustees to not less than twenty-four, in which case one-fourth of the whole number, as thus diminished, shall be elected annually, in the same manner as is hereinafter provided in regard to the thirty-six Trustees above provided for; and the same powers and franchises shall vest in said Board, thus diminished, as were previously vested in the Board of thirty-six Trustees.

Number of
Trustees may
be diminished

A. D. 1870.

Trustees—
how and when
to serve.

The persons named in the first Section of this Act, together with such other persons as they may select, shall constitute the first Board of Trustees. They shall divide themselves, by lot, into four classes of one-fourth of the whole number each. The term of the first class shall expire at the end of one year from the first Tuesday in March, 1871; that of the second class shall expire at the end of two years from that time; that of the third class shall expire at the end of three years from that time; that of the fourth class at the end of four years from that time; so that in each consecutive year after that date, the term of one-fourth of the whole number of the Board of Trustees shall expire.

Election of
Trustees.

An election shall be held, annually, on the first Tuesday in March in each year, to fill the seats of each class made vacant as aforesaid; and the persons elected to fill the same shall hold office for four years, or until their successors shall have been chosen; but any Trustee whose term shall have expired shall be eligible for re-election. All elections for Trustees shall be by ballot, and a plurality of votes shall elect.

In the event of a failure to elect Trustees on the day appointed for that purpose, the remaining Trustees whose terms of office shall not have expired shall have power to fill the said vacancies, and also to fill all vacancies that may occur by death, resignation, or removal from the State; fourteen days' previous notice of each annual election shall be given in two or more of the newspapers published in the State of South Carolina, in one or more published in North Carolina, and in one or more published in Georgia.

Managers of
election.

Three life policy holders in the Company shall be appointed, by the Trustees, Managers to hold and declare said election; and at any election for Trustees each policy holder shall be entitled to one vote for his or her own policy, and one vote for each policy he or she may hold on the life or lives of others, which may be cast personally or by proxy.

Vote of stock-
holders.

Quorum.

By-Laws.

The Trustees shall have power and authority to declare by by-laws what number of Trustees, not less than seven, shall constitute a quorum for the transaction of business. They shall also have power and authority to make all by-laws, rules and regulations, not repugnant to the Constitution and laws of the State, for the government of the officers and agents of the Company, and for the management of its affairs, and the same to alter and amend, or repeal at pleasure. They may delegate power to a Committee, or Committees, of their own number, to transact any of the business of the Company, except the signing and issuing of policies of insurance or annuity, and the payment of losses, which shall be done only by the President and Secretary, or, in their absence, by such person or persons as may be appointed for that purpose by the Board of Trustees. They may adopt and keep a common seal for the use of the Company, and the same may alter at will. They may determine the rates of premium to be charged, and the amounts to be insured on any one life, and the terms of such insurance, and shall have power to purchase, for the benefit of the Company, any policy or policies of insurance, dividends or other obligations of the Company; but no officer, trustee or agent of the Company shall be personally, directly or indirectly, interested in any such purchase. The Board of Trustees shall, immediately after the organization of the Company, and afterwards, at the first meeting of the Board after each annual election for Trustees, elect from their own number a President, and may elect, also, Vice-Presidents, who shall,

Seal.

Rates of pre-
mium.Election of
President and
Vice-President,
and other offi-
cers.

respectively, hold office for the term of one year, and until their successors shall be elected. The Trustees shall have power to elect or appoint a Secretary and such other officers, agents and employees, as they shall deem requisite and necessary for properly conducting the business of the Company, who shall hold office during the pleasure of the Board. They may appoint a President and Vice-President, *pro tempore*, as occasion may require.

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The President may call special meetings of the Board of Trustees whenever requested in writing so to do by seven members of the Board. The officers of the Company shall, within sixty days from the expiration of the period of one year from the day of the Company's organization under this charter, and within sixty days after the expiration of every subsequent period of one year, cause a balance to be struck of the affairs of the Company, which shall exhibit its assets and liabilities, both present and contingent, and also the net surplus, after deducting a sufficient amount to cover all outstanding risks and obligations. Each policy holder shall be credited with an equitable share of the said surplus. Such equitable share shall, at the option of the policy holder, be paid in cash, or be applied to the purchase of an additional amount of insurance, payable at death or with the policy itself, expressing the reversionary value of such equitable share, at such rate of interest as the Trustees may designate, or shall be applied to the purchase of an annuity, at such rate of interest as the Trustees shall designate, to be applied to the reduction of his or her future premiums. In event of death, the amount standing to the credit of the party insured at the last preceding yearly balance, as aforesaid, shall be paid over to the person entitled to receive the same, and the portion of surplus, equitably belonging to him or her at the next subsequent yearly balance, shall also be paid, when the same shall have been ascertained and declared; but nothing herein contained shall prevent the Trustees from causing to be ascertained and paid with the policy such (if any) equitable share belonging thereto.

Balance of affairs to be struck annually.

Surplus—how disposed of.

Accounts of deceased share-holders

The officers of the Company shall, at the yearly periods aforesaid, cause a general balance statement of the affairs of the Company to be made, which shall be open to the inspection of the policy holders for sixty days, during the usual hours of business.

The said statement shall show the amounts received during the preceding five years for premiums, interest and annuities, and also the amounts paid during the same time for losses, expenses, &c., and the balance remaining in the Treasury, together with the manner in which the surplus is invested.

SEC. 4. The fiscal year of the Company shall terminate on the thirty-first day of December in each year, and it shall be the duty of the President, or Vice-President, and Secretary or Actuary, or a Committee of the Trustees of the Company, within sixty days thereafter, to prepare and file in the office of the Comptroller-General of the State of South Carolina a statement, made under oath, showing the assets and liabilities of the Company, in accordance with, and as required by, the Act of Assembly entitled "An Act to regulate the agencies of Insurance Companies not incorporated in the State of South Carolina," approved March 6, 1869; said statement shall be examined and compared with the books of the Company by three or more policy holders, and its correctness certified to by them, to the best of their knowledge and belief.

Statement of liabilities &c., to be filed with Comptroller General.

A. D. 1870.

How funds
may be invest-
ed.

SEC. 5. The Trustees may invest the funds of the Company, or accumulations of money, in bonds secured by mortgage on unincumbered real estate, worth, exclusive of the exemptions from levy and sale contained in an Act entitled "An Act to determine and perpetuate the homestead," approved September 9th, 1868, one hundred per centum more than the amount agreed to be loaned thereon, or in stocks and bonds of the United States, or of this State, or of other States of the United States, or of cities incorporated therein, or in first mortgage bonds of Railroad Companies, when such bonds are worth in open market not less than eighty cents on the dollar, and yielding and paying an interest on the par value thereof of not less than five per centum per annum: Provided, That the investment in the bonds or stocks of this State shall not be less than fifty thousand dollars. They may loan money on the hypothecation of such stocks and bonds as the aforesaid, on such terms and conditions as they may from time to time determine, and may change all the aforesaid investments, and reinvest as often as they may think proper.

When Compa-
ny may hold
and convey
real estate.

SEC. 6. It shall not be lawful for the Company to purchase, hold or convey real estate, except for the purposes and in the manner following, to wit:

1st. Such as may be required for its immediate accommodation in the transaction of its business.

2d. Such as may have been mortgaged to it in good faith, by way of security for loans previously contracted, or for money due.

3d. Such as may have been conveyed to it in satisfaction of debts previously contracted.

4th. Such as may have been purchased at sales upon judgments, decrees of foreclosure of mortgages obtained and made for such debts, and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of the Company in the convenient transaction of its business, shall be sold and disposed of within five (5) years after the Company shall have acquired title thereto, unless the Company shall procure a certificate from the Comptroller-General that the interests of the Company will suffer materially by a forced sale thereof, in which event the time for the sale may be extended to such time as the said Comptroller shall direct.

Liabilities
of officers and
members.

SEC. 7. All policy holders shall be members of the Company; but no member, except officers and agents thereof, shall be personally liable for any loss or losses of the Company, and such officers and agents severally shall only be liable for the loss or losses arising by reason of their own respective neglect or misconduct.

Suits at law
by members
against Com-
pany.

SEC. 8. Suits at law may be maintained by the Company against any of its members for any cause relating to the business of the Company, also suits at law may be prosecuted and maintained by any member against the Company for loss or losses by death or on the maturity of a term policy if payment is withheld more than two months after the proof of loss or losses, or claim, has been submitted to the Company.

In what ca-
ses and how
insurances to
be made.

SEC. 9. This Company shall have authority to insure for any married woman by herself, and in her own name, or in the name of any third party with his assent, as her Trustee, for her sole use and benefit, her own life, or the life of her husband, or the life or lives of her child or children, for any definite period, or for the full term of her, his or their

natural life or lives; and in the event of the policy or policies on her, his or their life or lives, being for a definite period or term of years, the sum or sums, or net amount or amounts of the insurance becoming due and payable by the terms of the policy or policies, shall be payable to her or her Trustee, to and for her own use, free from the control or use of her husband or any of his creditors; and in the event of the insurance being for the term of her, his or their natural life or lives, and of her surviving husband or child, or children, the sum or sums payable by the terms of the policy or policies, shall be payable to her or to her Trustee, to and for her sole use and benefit, free from the claims of the legal representatives of her husband or of any of his creditors.

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The amount of insurance provided for in this Section, as aforesaid, may be made payable, in the event of the death of the wife before the definite period at which the term-of-years policy on her life would become due if she had lived, and before the period at which the insurance on her husband's life, or on her child or children's life or lives, becomes due, to her husband, or to her or her child or children, (if of age,) for the use of said child or children, as shall be provided for in the policy or policies of insurance, or to the guardian of the said child or children, if under age.

Insurance—
when and to
whom paya-
ble.

SEC. 10. No policy of insurance shall be issued by this Company until application shall have been made for insurance amounting in the aggregate to one million of dollars.

Amount of
insurance.

Within sixty days after the organization of the Company, the Company shall deposit with the Comptroller-General, (there to remain open to inspection at all times) fifty thousand dollars of the stocks and bonds of this State, as a security for the policy holders against loss, said Company to collect the interest on said bonds, so long as it remains solvent: *Provided, however,* That no policy shall be issued by this Company until the provisions of this Section shall have been complied with.

Company to
deposit \$50,000
of State bonds
with Com-
ptroller Gen-
eral.

SEC. 11. This charter shall be subject to any such revision and change of its terms as may hereafter be adopted by the General Assembly.

Approved January 19, 1870.

AN ACT TO INCORPORATE THE SISTERS OF OUR LADY OF MERCY OF SOUTH CAROLINA. No. 208.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Sisters of Our Lady of Mercy be, and they are hereby, created a body politic and corporate, under the name and style of the Sisters of Our Lady of Mercy of South Carolina, with power to own and hold real and personal estate not exceeding the value of one hundred thousand dollars, and with all the powers and privileges incident to bodies corporate and politic.

Capital stock.

SEC. 2. This Act of Incorporation to remain in force for twenty years.

Approved January 21, 1870.

A. D. 1870.

No. 209.

AN ACT TO ESTABLISH A COMPANY UNDER THE NAME OF THE MOUNT PLEASANT AND SULLIVAN'S ISLAND FERRY COMPANY.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That upon compliance with the second Section of this Act, Henry L. P. McCormick, and such other persons as may become members thereof, be, and they are hereby, declared a body politic and corporate, by the name of the Mount Pleasant and Sullivan's Island Ferry Company, for the purpose of keeping up a ferry and conveying passengers and transferring goods, wares and merchandise by steamboats between the City of Charleston and the Town of Mount Pleasant and Sullivan's Island, and of conveying passengers, goods, wares and merchandise between the said city and any other place or places.

Purpose of Corporation.

Schedule of property filed in offices of the Register of Mesne Conveyance and Secretary of State.

Capital stock, by whom owned, &c.

SEC. 2. That the said Henry L. P. McCormick, in order to entitle himself to the benefits of this incorporation, shall make out a fair schedule of all the property, and value thereof, now owned and used by him as proprietor of the Mount Pleasant and Sullivan's Island Ferries, from the City of Charleston, accurately describing the same, and shall record the same in the office of the Register of Mesne Conveyance, for Charleston County, and in the office of the Secretary of State, on or before the first day of April next; and from the day when the said schedule shall be recorded in the said offices, the said property, real and personal, so described, shall be vested in the said Mount Pleasant and Sullivan's Island Ferry Company, and the said Henry L. P. McCormick shall be and become the sole owner of the capital stock of the said Company, which said capital stock shall be equal to the full clear value of the property as stated in the said schedule, and shall be divided into shares of one hundred dollars each, each of which shares shall be estimated at one hundred dollars par value, as to all liabilities to which the members of the said Company may become individually answerable by the provisions of the third Section of this Act: And, provided, That the amount of said capital stock may be increased by the addition of property to the said schedule at any time to an amount not exceeding eighty thousand dollars.

Liabilities of shareholders.

Vote of shareholders.

Officers—their powers.

Property.

SEC. 3. Every shareholder of the said Company shall be individually liable for all debts contracted during the time he or she shall be a shareholder in the said Company to the extent of the par value of his or her shares in the same.

SEC. 4. That in all elections, and in all meetings of the corporation, each shareholder shall be entitled to as many votes as he or she shall hold shares, one vote for every share, and shareholders absent from any meeting or election shall be entitled to vote by proxy.

SEC. 5. That the said Company shall have such number of officers as shall be ordained and chosen by the rules and by-laws to be made for their government and direction, and shall have power and authority to make all rules and by-laws not repugnant to the laws of the land; to regulate the issue of script and transfer of shares; to have and keep a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded, in any Court of Law and Equity; to purchase, take and hold, sell and alien, in fee simple or for any less estate, lands, tenements, hereditaments, goods, chattels, rights and credits which may be connected

with, or in any manner conducive to, the purpose for which said Company is established.

A. D. 1870.

SEC. 6. This Act shall be deemed and taken to be a public Act, and shall continue in force for the term of twenty-one years.

Approved January 24, 1870.

AN ACT TO INCORPORATE THE DEUTSCHER ARTILLERIE UNTERSTUTZUNGS VEREIN.

No. 210.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That H. Hames, H. Klatte, F. C. Windheim, J. J. W. Luden, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of the "Deutscher Artillerie Unterstutzungs Verein."

Corporators.

SEC. 2. That the said corporation hereby created and established shall have succession of officers and members according to its by-laws, and shall have power to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any Court in this State, and to have and enjoy every right, power and privilege incident to such corporation; and it is hereby empowered to take, hold, retain, possess and enjoy all such property, real and personal, as may be given, bequeathed or devised to it, or may be in any manner whatsoever acquired by the said corporation: Provided, The amount so held shall not exceed the sum of twenty thousand dollars.

Powers, privileges, &c.

Property.

Proviso.

SEC. 3. That the said corporation may, from time to time, invest their funds, moneys, assets and all other property which it may acquire, in such real or personal property, stocks, public or private, notes, bills, bonds, with or without security by mortgage of real or personal property, or by surety, in such sums and on such terms and conditions as they may deem proper. And it shall and may be lawful for the said corporation, from time to time, and at all times, to sell, convey, mortgage, assign or transfer any or all of its property, real and personal, as and when it may be deemed proper and expedient, and to make and execute bonds, under the corporate seal, with or without mortgage, for the purchase of real or personal property.

How and when funds may be invested.

SEC. 4. That this Act shall continue in force for the space of fourteen years; and that the same shall be taken and deemed a public Act, and may be given in evidence without being specially pleaded.

Approved January 27, 1870.

AN ACT TO RECHARTER BLYTHE'S GAP TURNPIKE ROAD.

No. 211.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Blythe's Gap Turnpike Road, located and being situate in Greenville County, be, and the same is hereby, rechartered for the term of fourteen years, and the same vested in James E. Hagood, for the benefit of the heirs of Benjamin Hagood,

Vested in James E. Hagood.

- A. D. 1870.** deceased, with the same privileges and rates of toll as those heretofore established by law.
 Approved January 27, 1870.

No. 212. AN ACT TO INCORPORATE THE VIGILANT FIRE ENGINE COMPANY, OF COLUMBIA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the "Vigilant Fire Engine Company, of Columbia," and the several persons who now are, or hereafter may be, officers and members thereof, and their successors, officers and members, be, and they are hereby, declared to be a body politic and corporate, by the name and style of the "Vigilant Fire Engine Company, of Columbia," and that the said corporation may, by its corporate name, sue and be sued, plead and be impleaded, in the Courts of this State, and shall be able and empowered in law, to purchase, have, hold, enjoy and possess any goods, chattels, lands, tenements, or real estate, of whatever kind or nature soever, and the same or any part thereof to sell, alien or convey, at their will or pleasure: Provided, however, That the property so to be held shall not exceed the annual value of five thousand dollars, and the said corporation shall have power to make a common seal, with power to change and alter the same as often as they may deem necessary.

Corporators.

Power and franchises.

Proviso.

SEC. 2. That this Act shall be deemed and taken to be a public Act, and shall continue in force for the term of fourteen years, and until the next meeting of the General Assembly thereafter, and no longer.

Approved January 27, 1870.

No. 213. AN ACT TO AUTHORIZE A LEASE OF CERTAIN LAND ON EDISTO ISLAND, AND THE ERECTION OF A WHARF AND OTHER STRUCTURES THEREON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Secretary of State is hereby authorized to execute a lease for and on behalf of the State, on such terms as the Governor may approve, to John Wright, of Edisto Island, his heirs, executors, administrators and assigns, of all that tract of land on Edisto Island, containing one acre, more or less, purchased by the State from J. Evans Edings, and now known as "Steamboat Landing," for the purpose of erecting thereon a wharf and storehouses for the accommodation of the public, binding the lessee to erect thereon, within a reasonable time, suitable and substantial structures for the use of the public, and to such other requirements as may be deemed necessary to secure the interests of the public and the State.

Secretary of State to execute lease.

Governor to approve.

Conditions.

SEC. 2. That upon the execution of the lease above authorized, and the erection of a wharf and storehouses thereon, the said John Wright,

Authority to collect usual wharfage, &c.

his heirs, executors, administrators and assigns, are authorized to collect the usual rates of wharfage and storage on all goods, merchandise or commodities that may be landed or stored upon the said premises.

A. D. 1870.

Approved January 27, 1870.

AN ACT TO INCORPORATE THE WINNSBORO HOOK AND LADDER COMPANY, OF THE TOWN OF WINNSBORO. No. 214.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That S. B. Clowney, P. Bacot, A. W. Ladd, W. M. Dwight, J. A. Brice, H. N. O'Bear, John O'Neil, G. D. McCantz, and their successors in office, be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Winnsboro Hook and Ladder Company," with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure, and with all the rights, privileges and immunities that are secured by law to like incorporated bodies.

Corporators.

Capital stock.

Powers and franchises.

SEC. 2. This Act shall be deemed a public Act, and shall remain in force for a term of ten years.

Approved January 27, 1870.

AN ACT TO INCORPORATE THE AFRICAN METHODIST EPISCOPAL CHURCH, IN THIS STATE. No. 215.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the African Methodist Episcopal Church in this State is hereby incorporated, with all the rights and privileges awarded to religious denominations within this State.

Purpose of corporation.

Powers and franchises.

SEC. 2. That the said African Methodist Episcopal Church shall exercise and enforce its discipline, in accordance with the regulations of the same, within any branches of the said Church within this State established, and shall be protected in law in the same; and that all property acquired by the said Church shall be held by them according to the form of deeds designated by their discipline and mode of government.

SEC. 3. That the said Church may acquire lands within this State for religious and educational purposes, and regulate and govern the same as they may deem proper, in accordance with their law and discipline, such laws not being inconsistent with the laws of this State.

Capital stock.

Approved January 27, 1870.

A. D. 1870.

No. 216.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT CONCERNING THE OFFICE, DUTIES AND LIABILITIES OF CORONER."

Governor to fill vacancies occurring by death, &c.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and the authority of the same, That Section 3 of an Act entitled "An Act concerning the office, duties and liabilities of Coroner," be, and the same is hereby, amended so as to read as follows: Whenever any vacancy shall occur in the said office by death, resignation or otherwise, the Governor shall, by proclamation, designate some Justice of the Peace or Magistrate of the County wherein the vacancy occurs, to act as Cononer until, by order of the Legislature, an election shall be had to fill the vacancy.

SEC. 2. That Section 11 of same Act be also amended, by striking out the words "free and white," on the first line.

Approved January 27, 1870.

No. 217. AN ACT TO DESIGNATE THE OFFICERS BY WHOM SALES ORDERED BY THE COURTS OF COMMON PLEAS AND JUDGES THEREOF AND THE COURTS OF PROBATE SHALL BE MADE.

Sheriff to make certain sales.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all sales of personal or real estate, or other interest, hereafter ordered to be made by the Courts of Common Pleas or Courts of Probate, shall be made by the Sheriff of the County in which said real or personal estate or other interest is at the time said sale is ordered.

Fees of Sheriffs.

SEC. 2. That in all sales by said Sheriff, under the order of Courts of Common Pleas, exercising common law jurisdiction, or under the order of the Courts of Probate, the fees of said Sheriff shall be the same as now fixed by law for sales by Sheriffs under executions issuing from the Courts of Common Pleas exercising common law jurisdiction; and that in all sales under the order of Courts of Common Pleas, exercising equity jurisdiction, the fees of said Sheriff shall be the same as those now fixed by law for sales by Sheriffs under executions issuing from the Courts of Common Pleas exercising common law jurisdiction.

Approved January 27, 1870.

No. 218. AN ACT TO INCORPORATE THE WATEREE FIRE ENGINE COMPANY, No. 2, OF CAMDEN, SOUTH CAROLINA.

Corporators.

Powers, privileges and franchises.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That David Jenkins, Mars Erving, James Reid, James Cook, Jacob Carter, Charles Campbell, and their associates and successors in office, be, and they are hereby, created and constituted a body politic and corporate, by and under the name and

style of the Wateree Fire Engine Company, No. 2, with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure, and to have and enjoy all other rights, privileges and immunities that are now or hereafter may be secured by law to like incorporated bodies.

A. D. 1870.

SEC. 2. That this Act shall be deemed a public Act, and shall continue in force for a term of fourteen years.

Approved January 27, 1870.

AN ACT TO INCORPORATE THE PROMPTITUDE FIRE ENGINE COMPANY, No. 219.
OF CHARLESTON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Paris Attles, F. Rames, L. Zeller, F. White, and their successors in office, be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Promptitude Fire Engine Company," with a capital stock not exceeding the sum of ten thousand dollars, with the right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction; to have and to use a common seal, and the same to alter at will and pleasure, and with all other rights, privileges and immunities that are now secured by law to like incorporated bodies.

Corporators.

Capital stock.

Privileges,
&c.

SEC. 2. That this Act shall be deemed a public Act, and shall remain in force for the term of fourteen years.

Approved January 27, 1870.

AN ACT TO CARRY INTO EFFECT THE PROVISIONS OF THE CONSTITUTION IN RELATION TO THE RIGHTS OF MARRIED WOMEN. No. 220.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the real and personal property of a married woman, whether held by her at the time of her marriage or accrued to her thereafter, either by gift, grant, inheritance, devise, purchase or otherwise, shall not be subject to levy and sale for her husband's debts, but shall be her separate property.

Property not
liable for hus-
band's debts.

SEC. 2. A married woman shall have power to bequeath, devise or convey her separate property in the same manner and to the same extent as if she were unmarried; and if dying intestate, her property shall descend in the same manner as the law now provides for the descent of the property of husbands, and all deeds, mortgages and legal instruments of whatever kind, shall be executed by her in the same manner, and have the same legal force and effect as if she were unmarried.

Right to dis-
pose of prop-
erty.

SEC. 3. A married woman shall have the right to purchase any species

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of property in her own name, and to take proper legal conveyances therefor, and to contract and be contracted with in the same manner as if she were unmarried: Provided, That the husband shall not be liable for the debts of the wife contracted prior to or after their marriage, except for her necessary support.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved January 27, 1870.

No. 221. AN ACT TO GRANT AND GIVE THE CONSENT OF THE GENERAL ASSEMBLY OF THIS STATE TO THE CONVEYANCE TO THE UNITED STATES OF THE LOT OF LAND SITUATE ON RICHARDSON AND LAUREL STREETS, IN THE CITY OF COLUMBIA, HEREINAFTER DESCRIBED, FOR THE PURPOSE OF A POST OFFICE AND COURT HOUSE, OR FOR OTHER PURPOSES, AND TO CEDE TO THE UNITED STATES JURISDICTION THEREIN.

Preamble.

Whereas, the Congress of the United States of America, at the third session of the Fortieth Congress, passed an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes," which Act was approved on the third day of March, in the year of our Lord one thousand eight hundred and sixty-nine; and the said Act, among other things, provided as follows: "For post office and court house at Columbia, South Carolina, seventy-five thousand dollars: Provided, That the site for the same shall be given to the United States;" and whereas, by deed, dated the twentieth day of October, Anno Domini one thousand eight hundred and sixty-nine, a tract of land for the site of the said post office and court house has been conveyed in due form of law to the United States of America, in conformity to the proviso in the above recited clause of the said Act of the Congress of the United States; and whereas, by a Joint Resolution of the Congress of the United States, approved September the eleventh, one thousand eight hundred and forty-one, entitled "A joint resolution making it the duty of the Attorney-General to examine into the titles of the lands or sites for the purpose of erecting thereon armories and other public works and buildings, and for other purposes," it was resolved, among other things, that no public money should be expended upon any site or land thereafter to be purchased by the United States, for the purposes aforesaid, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, and also the consent of the General Assembly of the State in which the land or site may be should be given to said purchase; therefore,

Consent to
sell.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the consent of the General Assembly of said State be, and is hereby, given to the conveyance, in fee simple, to the United States of America, by the owner or owners thereof, for a post office and court house, and offices connected therewith, for the use of the United States, or for any other purposes to which the Government of the

United States may think proper to apply it, and to exercise authority and jurisdiction over all that lot, piece or parcel of land in the said city of Columbia, situate, lying and being on the corner of the streets known as Richardson street and Laurel street, measuring one hundred and four feet, more or less, on Richardson street, and two hundred and eight feet, more or less, on Laurel street, and containing one-half an acre, more or less; bounded on the north by Laurel street, on the east by Richardson street, on the south by lot formerly belonging to Charles Beck and now held by Hugh Weir, and on the west by lot formerly held by Robert N. Lewis, and by his last Will and Testament devised to Daniel B. Lewis, Executor of said last Will and Testament of the said Robert N. Lewis: Provided, That all process, civil or criminal, issued under the authority of this State, or any officer thereof, shall and may be served and executed on any part of the said premises, and on any person or persons there being and implicated in any matter of law: And provided, always, That the said lot of land, and all the buildings and structures of every kind already thereon erected, or that may hereafter be erected thereon, shall be absolutely and forever exempt from all taxes of the County of Richland, and the corporation of the City of Columbia, and of the aforesaid State.

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Description
of land.

Proviso.

Exemption
from taxation

Approved January 31, 1870.

AN ACT TO INCORPORATE THE WINNSBORO BAPTIST CHURCH, OF FAIR-
FIELD COUNTY, SOUTH CAROLINA.

No. 222.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all persons who now are, or who hereafter shall or may become, members of the said Society, shall be, and they are hereby, incorporated, and are hereby declared to be a body corporate, by the name and style of the "Winnsboro Baptist Church," and by the said name, shall have succession of officers and members, and have a common seal.

SEC. 2. That the said corporation shall have power to purchase, receive, and possess any real or personal estate, not exceeding in value the sum of twenty thousand dollars, or to sell the same; and, by its corporate name, to sue and be sued in any Court of this State, and to make such rules and by-laws (not repugnant to law,) as may be thought necessary and expedient.

Capital stock.

SEC. 3. That this Act be deemed a public Act, and shall continue in force for the term of twenty-five years.

Approved February 3, 1870.

AN ACT TO INCORPORATE THE HESTON FIRE ENGINE COMPANY, OF
GEORGETOWN, S. C.

No. 223.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Job Mazyck, E. Capers Rai-

Corporators,

A. D. 1870.
Capital stock. ney, David J. Wilson, James McCune Lesesne, Wm. Brunson, and their associates and successors in office, be, and they are hereby, created and constituted a body politic and corporate, by and under the name and style of the "Heston Fire Engine Company, of Georgetown," with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure, and to have and enjoy all other rights, privileges and immunities that are now, or may be hereafter, secured by law to like incorporated bodies.

Privileges, &c.

SEC. 2. This corporation shall enjoy all the rights and privileges secured to corporations under the Act to regulate the formation of corporations, and be subject to the liabilities therein prescribed, so far as applicable.

SEC. 3. That this Act shall be deemed a public Act, and shall continue in force for the term of fourteen years.

Approved February 3, 1870.

No. 224. AN ACT TO VEST IN TONEY STAFFORD THE CHARTER OF A FERRY FROM DILL'S BLUFF, ON JAMES' ISLAND, TO THE CITY OF CHARLESTON.

Establishing ferry. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a public ferry shall be, and the same is hereby, established from a place known as Dill's Bluff, on James' Island, to the City of Charleston, and that the said ferry shall be vested in Toney Stafford, his heirs and assigns, for the term of fourteen years.

Privileges of corporator.

Proviso.

SEC. 2. That the said Toney Stafford, his heirs and assigns, shall enjoy the exclusive charter of said ferry, with the privilege of charging ten cents for each passenger conveyed: Provided, That he shall have the said ferry fully established, and in good working order, within six months after the passage of this Act.

Approved February 3, 1870.

No. 225. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE GEORGETOWN RAILROAD COMPANY," AND THE SEVERAL ACTS AMENDATORY OF THE SAME.

Authority to extend road. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Georgetown Railroad Company, and the Acts amendatory thereto, ratified on the twenty-eighth day of January, in the year of our Lord eighteen hundred and sixty-one, be, and the same are hereby so amended as to authorize the said Company to extend their road to the North Carolina line, in the direction of Charlotte, North Carolina, by the most direct practicable

route : Provided, That said road shall not be located to run parallel within fifteen miles of the South Carolina Central Railroad, and that the corporate name of said Company shall be "The Georgetown and Charlotte Railroad Company," instead of that by which it is now called.

A. D. 1870.

Proviso.

SEC. 2. That for the purpose of increasing the capital stock of said Company to an amount not exceeding two millions of dollars, in shares of fifty dollars each, it shall be lawful to open books of subscription, at such times and places, and to keep them open for such periods of time, and under the direction of such persons as may be determined by said Company. That subscriptions to said capital stock may be made in land, at a rate per acre to be agreed upon at the time of subscription, and that each and every person subscribing land shall execute a deed for the same to the said Company, and that all amounts subscribed, either in land or money, shall constitute a joint stock capital for the purpose of constructing and carrying into operation the Railroad provided for by this Act, and the Acts to which this Act is amendatory.

To open books of subscription.

Nature of subscription.

SEC. 3. That the said Railroad shall be subject to the provisions of an Act entitled "An Act to declare the manner by which the lands, or the right of way over the lands of persons or corporations may be taken for the construction and uses of railways and other works of internal improvement;" and that nothing herein contained shall be so construed as to exempt the said Company from the payment of taxes.

Taxes.

SEC. 4. That all the eighth Section of the charter of incorporation of the said Georgetown Railroad Company, after the word "Provided," and including said word, be, and the same is hereby, repealed: Provided, That the work for the execution whereof the said Company is incorporated shall be commenced within one year from the first day of January next, and be completed within five years thereafter.

Repeal.

Proviso.

SEC. 5. That it shall be lawful for said Company to re-organize, by the election of the necessary officers and Directors.

SEC. 6. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 3, 1870.

AN ACT TO AUTHORIZE THE GOVERNOR TO REMOVE COUNTY AUDITORS, TREASURERS, AND OTHER OFFICERS BY HIM APPOINTED.

No. 226.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and is hereby, authorized and empowered, whenever to him there appears good and sufficient cause, to remove any County Auditor or County Treasurer, or any other civil officer by him appointed, and report the fact, together with his reasons therefor, to the General Assembly.

Governor to report removal.

SEC. 2. Any County Auditor or Treasurer, or other officer so removed, who shall attempt to exercise the functions of the office from which he has been removed, after official notice of such removal, or fail, when application is made to him by his successor, to turn over all the books, papers and property of all kind whatsoever pertaining to his office, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, for

Default of officer removed to turn over books, &c.

A. D. 1870.

each offence, be fined in a sum not less than five hundred dollars, or be imprisoned for not less than six months.

SEC. 3. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved February 3, 1870.

No. 227.

AN ACT TO INCORPORATE THE CHARLESTON LOAN COMPANY.

Establishing
Company.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the persons and bodies corporate who shall become stockholders in the manner hereinafter described, and their successors, shall be a body politic and corporate, under the name, style and title of the "Charleston Loan Company."

Capital stock.

SEC. 2. The capital stock of the said Company shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each, and shall be raised in the following manner: The following persons are hereby appointed Commissioners to receive subscriptions to the capital stock, to wit: Benjamin Mordecai, Wm. Gurney, Z. B. Onkes, J. B. Campbell, E. W. Marshall and A. L. Tobias. The said Commissioners, or a majority of them, shall open books at such places in Charleston as they shall appoint, within sixty days from the passage of this Act, and receive subscriptions to the said stock: Provided, The said Commissioners shall have given at least three days' notice in two daily gazettes in the City of Charleston of the time and place of receiving the subscriptions, and shall require a payment of twenty dollars on each share to be made at the time of subscription therefor: And provided, further, That the Board of Directors shall have power, in like manner, and at such times as they shall see fit, (by and with the consent of a majority of the stockholders, in ratio of shares,) to increase the said capital to the sum of five hundred thousand dollars.

Commission-
ers to receive
subscription.

Proviso.

Further pro-
viso.

SEC. 3. That the subscribers paying their subscription money, respectively, shall form the Company, upon complying with the conditions, and subject to the provisions hereinafter set forth.

Corporators.

Distribution
of shares.

SEC. 4. That if, at the opening of the books, more than one thousand shares shall be subscribed, the Commissioners shall distribute the thousand shares of which the capital stock is to consist among the subscribers as nearly as may be in proportion to the number of shares subscribed by them, respectively; but the subscriptions of five shares or less shall not be reduced, unless the whole number of shares subscribed for cannot otherwise be reduced to one thousand.

SEC. 5. That in case the number of shares shall be less than one thousand, the Commissioners may receive further subscriptions to make up that amount at any time within one year after the first opening of the books.

Powers, priv-
ileges, &c.

SEC. 6. That the said Company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises incident to a corporation, and shall be capable of taking, holding and

disposing of their capital stock according to such rules and regulations as they shall, from time to time, establish, and also of taking, holding or disposing of, or investing the increase, profits or emoluments of their said capital stock, and shall have full power and authority to have and use a common seal, and the same to alter and renew at their pleasure; and, by the name and title aforesaid, shall be able and capable at law and in equity to sue and be sued, plead and be impleaded, answer and be answered unto, in all manner of suits, pleas, demands and judicial proceedings whatever; and they are authorized and empowered to appoint a President, Directors and other necessary officers at such periods and with such duties as the said Company shall see fit; and also to make such rules and by-laws for the good government and management of the affairs of the corporation: Provided, The said rules and by-laws shall not be repugnant to the Constitution and laws of the State and of the United States.

A. D. 1870.

Officers.

By-Laws.

Proviso.

SEC. 7. That the said Company is hereby authorized and empowered to make contracts, and to make loans of money upon security of real estate, personal property and choses in action, upon such terms and at such rates of interest as may be agreed upon between the persons or parties borrowing and the proper officers or attorney of the said Company.

Loan of money.

SEC. 8. That the said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the Company, under such penalties as in and by the said rules and by-laws shall be limited and appointed; and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions and pleas, either at law or equity, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the corporation.

Delinquent members, action against.

SEC. 9. That one-half of the capital of the Company shall be paid in, and satisfactory proof thereof be furnished to the Comptroller-General, before the said Company shall be authorized to commence business, and the residue of the capital shall be paid in at such times and in such manner as the Company may appoint: Provided, The whole shall be paid within one year after they shall have commenced business.

The Comptroller-General to be furnished proof of payment of one half of capital stock.

SEC. 10. That the said corporation shall have right and power to acquire, purchase, take and hold, in its corporate name, lands and real estate, and the same to demise, grant, sell, assign, exchange and convey, in fee simple or otherwise: Provided, The clear yearly income of the real estate so to be held shall not at any time exceed ten thousand dollars.

Real and personal property.

SEC. 11. That this Act shall be deemed a public Act, and the charter hereby granted shall continue and be in force for twenty years.

Approved February 3, 1870.

AN ACT TO INCORPORATE THE DELANEY RIFLE COMPANY, OF CHARLESTON, SOUTH CAROLINA. No. 228.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

A. D. 1870.
Corporators.
Rights and privileges.

and by the authority of the same, That Joseph W. Lloyd, George D. Mitchell, George Simons, Charles Tolliver and James Williams, and their successors and associates, shall be, and they are hereby, incorporated and made and declared a body politic and corporate, in deed and in law, by the name and style of the DeLaney Rifles; and as such body politic and corporate, shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members, conformable to such by-laws, and to sue and be sued, plead and be impleaded in any Court of Law or Equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities incident to bodies corporate.

SEC. 2. That this Act shall be deemed and taken to be a public Act, and shall continue of force for fourteen years from the passage hereof.

Approved February 14, 1870.

No. 229. AN ACT TO PROVIDE FOR THE APPOINTMENT OF CERTAIN OFFICERS THEREIN NAMED.

Certain officers to appoint deputies.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Sheriff or Coroner of any County may appoint one or more deputies, to be approved by any Judge of the Court of Common Pleas of such County; and the oath which such deputy is required to take by the third Section of this Act may be administered by any officer authorized to administer oaths within such County. The Recorder, or Clerk of the Court, may also appoint a deputy, to be approved by the Court of Common Pleas of such County; and the Auditor of any County may appoint a deputy, to be approved by the Commissioners of such County: Provided, That the Court or County Commissioners (as the case may be) be satisfied that the duties of Recorder or Auditor require such deputy.

Proviso.

Certificate of appointment.

SEC. 2. That the appointment of every such deputy shall be evidenced by a certificate thereof, signed by his principal, and shall continue during the pleasure of the principal; and every principal may take such bond and security from his deputy as he shall deem necessary to secure the faithful discharge of the duties of his appointment, and the principal shall, in all cases, be answerable for the neglect of duty or misconduct in office of his deputy.

Oath of office.

SEC. 3 That every such Deputy shall, previous to entering on the duties of his appointment, take an oath or affirmation, as prescribed by the Constitution of the State, faithfully to perform all the duties of his appointment; and, when so qualified, the Deputy may do and perform any and all of the duties appertaining to the office of his principal.

SEC. 4. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved February 14, 1870.

AN ACT TO INCORPORATE THE SUMTER MANUFACTURING COMPANY.

A. D. 1870.

No. 230.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John B. Moore, G. W. Bradford, J. T. Solomons, J. D. Blanding, E. W. Moise, R. B. Cain, T. B. Fraser, D. B. McLaurin, and others, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of the "Sumter Manufacturing Company," for the purpose of manufacturing cotton yarns and cloths, cotton seed oil, and such other fabrics and articles as the demands of the community may require, and for procuring and making machinery to carry on said manufactures, and also for the transaction of all such business as may be connected with the above purposes, with a capital of one hundred thousand dollars, with the privilege to increase it to any extent not exceeding four hundred thousand dollars, the consent of a majority of the stockholders being first had and obtained, and that said stock shall be divided and issued in shares of one hundred dollars each.

Corporators.

Purpose of
corporation.

Capital stock.

SEC. 2. That the said Company shall have such number of officers as shall be ordained and chosen by the rules and by-laws to be made for their government and direction, and shall have power and authority to make all rules and by-laws not repugnant to the laws of the land, to regulate the issue of script and transfer of shares, to have and to keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded, in any Court of law or equity, to purchase, take and hold, sell and alien, in fee simple, or for any less estate, lands, tenements, hereditaments, goods, chattels, rights and credits, which may be connected with, or in any manner conducive to, the purposes for which said Company is established: Provided, That this corporation shall enjoy all the privileges, and be subject to all the liabilities and restrictions, of the Act entitled "An Act to regulate the formation of corporations."

By-Laws.

Privileges.

Proviso.

SEC. 3. That this Act shall be deemed and taken to be a public Act, and shall continue of force for twenty years.

Approved February 14, 1870.

AN ACT TO INCORPORATE THE COLUMBIA OIL COMPANY.

No. 231.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That E. P. Alexander, Johnson Haggood, John Bratton, J. C. Haskell, Thomas E. Gregg, F. W. McMaster, W. K. Bachman, Hardy Solomons, and their associates and successors, are hereby made and created a body politic and corporate in law, under the name and style of "The Columbia Oil Company," for the purpose of extracting and manufacturing oil from cotton seed, and other seeds or grain, and for the purpose of carrying on such other business as may be connected therewith, with a capital of thirty thousand dollars, to be divided into three hundred shares of one hundred dollars each.

Corporators.

Purpose of
corporation.

Capital stock.

SEC. 2. The said Company shall have power, from time to time, to increase their capital stock to any amount not exceeding one hundred

Increase of
capital stock.

A. D. 1870.

Affidavit of
increase to be
filed with the
Secretary of
State.

thousand dollars, including their present capital stock, whenever a majority of the stockholders present at any general meeting shall determine. Books may be opened for the purpose of obtaining additional subscribers to such increased stock, in such manner as the Company may deem expedient. And whenever any increase of capital shall be made, as aforesaid, the President of the Company shall make affidavits of the fact, and file the same in the office of the Secretary of State, and make public notice thereof once a week for three weeks, consecutively, in a newspaper in the city of Columbia, which shall be legal notice to all persons dealing with said Corporation.

Privileges,
rights, &c.

SEC. 3. The said Company shall have succession of officers and members, to be chosen according to the rules and by-laws made, and to be made, for their government and direction, and shall have power and authority to make by-laws, not repugnant to the laws of the land; to make, have and use a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded, in any Court of Law and Equity; to purchase and hold any lands, tenements or hereditaments, goods or chattels which may be necessary, connected with, or conducive to, the purposes for which said Company is established.

Proof of pay-
ment of capi-
tal to be filed
with Secreta-
ry of State.

SEC. 4. The said Corporation shall not go into operation until twenty thousand dollars of the capital stock shall be paid, in gold or silver or United States Treasury notes, and an oath or affirmation of the payment thereof shall be made by the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in at least two respectable newspapers in the State, one as near the establishment as circumstances will admit.

Approved February 14, 1870.

No. 232. AN ACT TO REGULATE THE RIGHTS AND POWERS OF RAILROAD COMPANIES.

Authorizing
the consolida-
tion of two or
more roads.

Proviso.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by authority of the same, That it shall and may be lawful for any Railroad Company or corporation, organized under the laws of this State, and operating a Railroad, either in whole within, or partly within and partly without this State, under authority of this and any adjoining State, to merge and consolidate its capital stock, franchises and property with those of any other Railroad Company, or Companies or corporations, organized and operated under the laws of this or any other State, whenever the two or more Railroads of the Companies or corporations so to be consolidated shall or may form a continuous line of Railroad with each other, or by means of any intervening Railroad: Provided, That railroads terminating on the banks of any river, which are or may be connected by ferry or otherwise, shall be deemed continuous under this Act: And provided, further, That nothing in this Act contained shall be taken to authorize the consolidation of any Company or corporation of this State with that of any other State whose laws shall not also authorize the like consolidation.

SEC. 2. Said consolidation shall be made under the conditions, provi-

sions, restrictions, and with the powers hereafter in this Act mentioned and contained; that is to say:

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1. The Directors of the several corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of each Company, for the consolidation of said Companies and Railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said Companies into that of the new corporation, and how and when Directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said Companies or Railroads.

Directors to enter into a joint agreement.

2. Said agreement shall be submitted to the stockholders of each of the said Companies or Corporations at a meeting thereof, called separately, for the purpose of taking the same into consideration; due notice of the time and place of holding such meeting, and the object thereof, shall be given by a general notice, published in some newspaper in the city, town or County where such Company has its principal office or place of business; and at the said meeting of stockholders the agreement of the said Directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and said ballots shall be cast in person or by proxy; and if a majority of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the Secretary of the respective Companies, under the seal thereof; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the Secretary of State, and shall, from thence, be deemed and taken to be the agreement and the act of consolidation of the said Companies; and a copy of said agreement and act of consolidation, duly certified by the Secretary of State, under the seal thereof, shall be evidence of the existence of said new Corporation.

Agreement submitted to stockholders.

Agreement to be filed with Secretary of State.

SEC. 3. Upon the making and perfecting the agreement and act of consolidation, as provided in the preceding Section, and filing the same, or a copy, with the Secretary of State, as aforesaid, the several corporations, parties thereto, shall be deemed and taken to be one corporation by the name provided in said agreement and act, possessing within this State all the rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of each of such corporations so consolidated.

Name of new corporation.

SEC. 4. Upon the consummation of said act of consolidation, as aforesaid, all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all the property, real, personal and mixed, and all debts due on whatever account, as well as of stocks, subscriptions and other things in action belonging to each of such corporations, shall be taken and deemed to be transferred to, and vested in, such new corporation, without further act or deed; and all property, all rights of way, and all and every other interests shall be as effectually the property of the new corporation as they were of the former corporations, parties by said agreement; and the title to real estate, either by deed or otherwise, under the laws of this State, vested in either of such corpora-

Privileges vested in, and property transferred to new corporation.

A. D. 1870.

Proviso.

tions, shall not be deemed to revert, or be in any way impaired by reason of this Act: Provided, That all rights of creditors, and all liens upon the property of said corporations shall be preserved unimpaired; and the respective corporations may be deemed to continue in existence to preserve the same; and all debts, liabilities and duties of either of said Companies shall thenceforth attach to said new corporation, and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Establish
offices.

SEC. 5. Such new Company shall, as soon as convenient after such consolidation, establish such offices as may be desirable, one of which shall be at some point in this State on the line of its road, and may change the same at pleasure, giving public notice thereof in some newspaper published on the line of said road.

Suits.

SEC. 6. Suits may be brought and maintained against such new Company in any of the Courts of this State, for all causes of action, in the same manner as against other railroad companies therein.

Taxation.

SEC. 7. That portion of the road of such consolidated Company in this State, and all its real estate and other property heretofore subject to taxation, shall be subject to like taxation, and assessed in the same manner, and with like effect, as property of other railroad companies in this State.

Refusal of
stockholder
to convert his
shares.

SEC. 8. Any stockholder of any Company hereby authorized to consolidate with any other, who shall refuse to convert his stock into the stock of the consolidated Company, may, at any time within thirty days after the adoption of the said agreement of consolidation by the stockholders, as in this Act provided, apply, by petition, to the Court of Common Pleas of the County in which the chief office of said Company may be kept, or to a Judge of said Court in vacation, if no such Court sits within said period, on reasonable notice to said Company, to appoint three disinterested persons to estimate the damage, if any, done to such stockholder by said proposed consolidation, and whose award, or that of a majority of them, when confirmed by the said Court, shall be final and conclusive; and the persons so appointed shall also appraise said stock of said stockholder at the full market value thereof, without regard to any depreciation or appreciation in consequence of the said consolidation; and the said Company may, at its election, either pay to the said stockholder the amount of damages so found and awarded, if any, or the value of the stock so ascertained and determined, and upon the payment of the value of the stock, as aforesaid, the stockholder shall transfer the stock so held by him to said Company, to be disposed of by the Directors of said Company, or to be retained for the benefit of the remaining stockholders; and in case the value of said stock, as aforesaid, is not so paid within thirty days from the filing of said award, and confirmation by said Court, and notice to said Company, the damages, so found and confirmed, shall be a judgment against said Company, and collected as other judgments in said Court are by law recoverable.

Damages
awarded by
them.

Remedy.

Appraisers.

SEC. 9. When any railroad shall be sold and conveyed by virtue of any mortgage or deed of trust, or under and by virtue of any process or decree of any Court of this State, or of the Circuit Court of the United States, it may be lawful for any Company, of which the railroad connects therewith, to purchase and pay for the same, to issue their own stock for such an amount as the purchasers may deem the full and fair value

thereof, and to hold and enjoy the Railroad so purchased, with all the rights, privileges and franchises, and with the same rights to charge for tolls, transportation, and car services, and subject to the same restrictions as were held, enjoyed and limited by and in respect to the Company of which the road may be so sold.

A. D. 1870.

SEC. 10. It shall and may be lawful for any Railroad Company created by, and existing under the laws of this State, from time to time, to purchase and hold the stock and bonds, or either, of any other Railroad Company or Companies chartered by, or of which the road or roads is or are authorized to extend into this State; and it shall be lawful for any Railroad Companies to enter into contracts for the purchase, use or lease of any other Railroads, upon such terms as may be agreed upon with the Company or Companies owning the same, and to run, use and operate such road or roads in accordance with such contract or lease: Provided, That the roads of the Companies so contracting or leasing shall be directly, or by means of intervening railroads, connected with each other.

May lease
other Rail-
roads.

Proviso.

SEC. 11. At all general or special meetings or elections of the stockholders of any Railroad Company incorporated by this State, each share of stock shall entitle the holder thereof to one vote: Provided, That nothing herein contained shall affect any other provisions of the charter of such Company except such as relate exclusively to the number of votes to which the holders of the shares of stock therein may be entitled.

Votes of
stockholders.

Proviso.

SEC. 12. All Railroad Companies incorporated under the laws of this State which shall relieve the State from all liability by paying the principal and interest of all securities for which the State is, or may be, liable, or by depositing with the Comptroller-General of the State good and sufficient security for such payment, within two years from the passage of this Act, shall, upon the official certificate of the Comptroller-General, that all liability of the State for such Railroad Companies has been extinguished, and that all liens of the State for such liability have been removed, be entitled to an extension of their respective charters for the period of fifty years from the date of their having relieved the State of such liability.

Corporations
relieving the
State of liabil-
ities.Comptroller
General shall
give certifi-
cate to that
effect.Extension of
charter.

SEC. 13. All Acts or parts of Acts in any way conflicting with the provisions of this Act, are hereby repealed.

SEC. 14. This Act shall take effect and have the full force of law from and after its passage.

Approved February 14, 1870.

AN ACT TO SECURE EQUAL CIVIL RIGHTS, AND TO PROVIDE FOR THE ENJOYMENT OF ALL REMEDIES IN LAW BY ALL PERSONS, REGARDLESS OF RACE OR COLOR.

No. 233.

Whereas, the Constitution of this State, in Article I, Section 39, provides that "Distinction on account of race or color, in any case whatever, shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges;" and whereas, serious doubts are entertained as to whether the remedies, in certain cases,

Preamble.

A. D. 1870.

under existing Statutes, are applicable to colored as well as white persons; therefore,

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That wherever authority has heretofore been conferred by law upon any free white person or persons to institute any suit or proceedings, or to prefer any information or complaint in any matter, civil, penal or criminal, the same rights shall be enjoyed by, and the same remedies applicable to, all persons whatsoever, regardless of race or color, subject to the same conditions, and none others.

SEC. 2. All Acts or parts of Acts inconsistent with this Act, or in any way conflicting with the provisions of this Act, are hereby repealed and declared of no effect.

Approved February 14, 1870.

No. 234. AN ACT TO PROVIDE FOR A GENERAL ELECTION OF COUNTY OFFICERS.

Election—
when to be
held.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, There shall be a general election for the election of the various County officers (elective) held in each County on the third Wednesday of October, Anno Domini one thousand eight hundred and seventy, and on the same day in every second year thereafter, the officers otherwise provided for in the Constitution of the State excepted.

SEC. 2. That the present County officers shall continue to perform the duties of their respective offices until their successors shall be elected and duly qualified.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved February 14, 1870.

No. 235. AN ACT FOR THE BETTER PROTECTION OF MIGRATORY FISH.

To remove
obstructions
in rivers.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act there shall be a close time in each of the inland streams of this State, from the sitting of the sun of each Saturday until the rising of the sun on each Monday, during which time all seines, nets, wires or any plan or device for the stoppage of or catching of fish, which obstruct more than two-thirds of the width of any stream other than a dam for manufacturing purposes, shall be removed from the water, and the owner in whole or part of any such obstruction, plan or device shall be liable to a fine of twenty dollars for each and every offence, one-half to go to the informer, and the other half to the use of the County.

Failure—fine.

Approved February 14, 1870.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO EMPOWER CIRCUIT JUDGES TO CHANGE THE VENUE FOR THE TRIAL OF ACTIONS, BOTH CIVIL AND CRIMINAL."

A. D. 1870.
No. 236.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section first of an Act entitled "An Act to empower Circuit Judges to change the venue for the trial of actions, both civil and criminal," passed September the twenty-first, eighteen hundred and sixty-eight, be, and the same is hereby, so amended as to authorize and empower the Circuit Judges of this State to change the venue in all cases, civil and criminal, by ordering the record to be removed for trial to any County adjoining the County in which the action or prosecution was commenced, or to any County, in the discretion of the presiding Judge.

Amendment.

Approved February 14, 1870.

AN ACT TO INCORPORATE THE INDEPENDENT ELLIOTT HOOK AND LADDER COMPANY, No. 1, OF ORANGEBURG, SOUTH CAROLINA.

No. 237.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John A. Hamilton, M. Albright, W. T. Lightfoot and Charles S. Bull, their associates and successors in office, be, and they are hereby, constituted a body corporate and politic, under the name and style of the Independent Elliott Hook and Ladder Company, No. 1, of Orangeburg, South Carolina, with a capital stock not exceeding five thousand dollars, with the right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure, and with all other rights, privileges and immunities that are now secured by law to like incorporate bodies.

Corporators.

Capital stock.

Powers and privileges.

SEC. 2. That this Act shall be deemed a public Act, and shall remain in force for the term of fourteen years.

Approved February 14, 1870.

AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE COMMON SCHOOLS FOR THE STATE OF SOUTH CAROLINA.

No. 238.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same:

State Board of Education.

That the State Board of Education shall consist of the several County School Commissioners and the State Superintendent of Education, who shall be *ex officio* Chairman of the Board, and who shall be entitled to

County school Commissioners and Superintendent of Education.

A. D. 1870.

vote on all questions submitted to the Board. The Board may elect one of its members as Secretary.

Meeting.

SEC. 2. That the State Board of Education shall hold its first meeting at the Capital of the State on the second Wednesday after the approval of this Act, and shall thereafter meet on the first Wednesday in October of every year at the Capital of the State, and at such other times and places as the State Superintendent of Education shall direct. The members of the Board shall be entitled to receive a mileage at the rate of twenty (20) cents per mile, going to and returning from the meetings of the Board aforesaid, to be paid by the State Treasurer on presentation of a certificate signed by the Chairman and Secretary of the Board.

Mileage.

Governor and others to constitute Commission to select suitable text-books.

SEC. 3. That, for the purpose of procuring an uniform system of text-books, to be used in the common and public schools throughout the State, there shall be a Commission of five appointed, to consist of His Excellency the Governor, who shall be *ex officio* Chairman; the Chairmen of the Committee on Education of the Senate and House of Representatives; and, for the purpose of selecting the other two members, the Senate shall, by a majority of votes, appoint one, and the House of Representatives shall, in like manner, select the other: Provided, That the Commission, having decided upon a list of text-books, such list shall not be subject to amendment or change until the first of January, 1873, unless authority be granted to the Commission, by Act of the General Assembly, to amend or change the list aforesaid: And provided, further, That the Commission shall decide upon a list of text-books to be used in the common and public schools throughout the State, and shall furnish the same to the Board of Education at its first session. The meetings of the State Board of Education shall be held for the purpose of considering such matters as may be deemed necessary, and of taking such action as may advance the cause of common school education in this State.

Proviso.

To furnish books for pupils.

SEC. 4. Books shall be furnished to the pupils in the public and common schools of this State at ten per cent. above their cost to the State; and, in all cases where the parents neglect or refuse to furnish their children, attending such schools, with suitable books, the Trustees of the several school districts are hereby authorized to furnish the same gratuitously to such pupils as they may be satisfied are unable to pay for them; but in all other cases they shall furnish books to the pupils who have failed to purchase books, and certify the cost of the same, with the name of the person against whom they are charged, to the Assessor within whose district such school district may be situated at the time when the annual assessment of property is made; and it shall be the duty of said Assessor to return the amount, so certified, to the Auditor of his County, whose duty it shall be to place the same upon the County duplicate, and cause it to be collected at the same time and in the same manner that State and County taxes are collected.

The County Assessor to charge cost.

Board to hold real and personal property.

Treasurer to pay income thereof.

SEC. 5. That the State Board of Education shall take and hold in trust, for the State, any grant or devise of lands, and any gift or bequest of money, or other personal property, made to it for educational purposes, and shall pay into the State Treasury, for safe-keeping and investment, all moneys and incomes from property so received. The State Treasurer shall, from time to time, invest all such money in the name of the State, and shall pay to the State Board of Education, on the warrant of the Governor, the income or principal thereof, as it shall, from time

to time, require: Provided, That no disposition shall be made of any grant, devise, gift or bequest inconsistent with the conditions or terms thereof. For the faithful management of all property so received by the State Treasurer, he shall be responsible, upon his bond, to the State, as for other funds received by him in his official capacity: Provided, however, That the Trustees of any School District of this State may take and hold in trust, for their particular School District, any grant or devise of lands, and any gift or bequest of money, and apply the same in the interest of the schools of their District, in such manner as in their judgment seems most conducive to the welfare of the schools, when not otherwise directed by the terms of the said grant, or devise, gift or bequest: And provided, further, That before said Trustees shall assume control of any such grant, devise or bequest, they shall give a bond, to be approved of by the School Commissioner of the County in which such grant, devise or bequest is made, said bond to be deposited with Clerk of the Court of said County.

A. D. 1870.

Proviso.

Further proviso.

State Superintendent of Education.

SEC. 6. That the present State Superintendent of Education shall continue in office until the election and qualification of his successor. At the general election in 1872, and every four years thereafter, a State Superintendent of Education shall be elected, in the same manner as other State officers, who shall enter upon the duties of his office on the first day of January succeeding his election.

Term of office.

SEC. 7. That he shall, before entering upon the duties of his office, give bond, for the use of the State of South Carolina, in the penal sum of five thousand (5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall, also, at the time of giving bond, take and subscribe the oath prescribed in Section 30 of Article II of the Constitution of the State, which oath shall be endorsed upon the back of said bond, and the bond shall be filed with, and preserved by, the Secretary of State.

Bond.

SEC. 8. That the State Superintendent of Education shall receive, as compensation for his services, the sum of two thousand five hundred (2,500) dollars per annum, together with his actual cost of transportation when traveling on public business, payable quarter-yearly out of the State Treasury.

Compensation.

SEC. 9. That he shall have general supervision over all the common and public schools of the State, and it shall be his duty, as far as practicable, to visit every County in the State, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and instruction of the schools.

To improvise Schools generally.

SEC. 10. That he shall secure uniformity in the use of text books throughout the common and public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in the schools.

Uniformity of text-books.

SEC. 11. That he shall prepare and transmit to the several County School Commissioners, school registers, blank certificates, reports, and

A. D. 1870.

To furnish
County Com-
missioners
with blanks,
&c.

such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the laws relating to common schools, with such rules, regulations, forms and instructions as shall be prescribed by the Board of Education, to be printed, together with a suitable index, in pamphlet form, by the person authorized to do the State printing, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County School Commissioners for distribution.

To purchase
rare works on
Education.

SEC. 12. That it shall be the duty of the State Superintendent of Education to collect, in his office, such school books, apparatus, maps and charts as can be obtained without expense to the State; and also to purchase, at an expense not exceeding fifty dollars a year, rare and valuable works on education, for the benefit of teachers, authors and others who may wish to consult them; and the said sum is hereby annually appropriated for this purpose out of any moneys in the State Treasury not otherwise appropriated.

SEC. 13. That copies of all papers filed in the office of the State Superintendent of Education and his official acts may be certified by him, and, when so certified, shall be evidence equally and in like manner as the original papers.

Annual re-
port.

SEC. 14. That the State Superintendent of Education shall submit, in his annual report, a statement of his official visits during the past year.

SEC. 15. That he shall make a report, through the Governor, to the General Assembly, at each regular session thereof, showing:

Mode of com-
piling report.

1st. The number of persons between the ages of six (6) and sixteen (16) years, inclusive, residing in the State on the first day of the last preceding October.

2d. The number of such persons in each County.

3d. The number of each sex.

4th. The number of white.

5th. The number of colored.

6th. The whole number of persons that attended the free common schools of the State during the year ending the thirtieth day of the last preceding September, and the number in each County that attended during the same period.

7th. The number of whites of each sex that attended, and the number of colored of each sex that attended the said schools.

8th. The number of common schools in the State.

9th. The number of pupils that studied each of the branches taught.

10th. The average wages paid to teachers of each sex.

11th. The number of school houses erected during the year, and the location, material and cost thereof.

12th. The number previously erected, the material of their construction, their condition and value, and the number with their grounds enclosed.

13th. The Counties in which teachers' institutes were held, and the number that attended the institutes in each County.

14th. Such other statistical information as he may deem important, together with such plans as he may have matured, and the State Board of Education may have recommended for the management and improve-

ment of the school fund, and for the more perfect organization and efficiency of the common schools.

A. D. 1870.

SEC. 16. That he shall have power to examine all persons who may make application to him, as to their qualification for teaching school in this State; and that to all persons of good moral character who pass a satisfactory examination he shall issue a certificate of qualification for teaching school in the State of South Carolina; which certificate shall authorize the person to whom it is given to teach in any of the common schools of this State, in which his or her services may be desired by the Trustees of the school in which he or she may make application to teach, without any further evidence of qualification. Said certificate shall be valid for the term of two (2) years, unless sooner revoked.

To examine teachers.

Certificate.

SEC. 17. That he shall annually, on the first day of November, or as soon as practicable thereafter, apportion the income of the State school fund, and the annual taxes collected by the State for the support of schools, among the several school districts of the State, in proportion to the respective number of pupils attending the public schools, and he shall certify such apportionment to the State Treasurer. He shall also certify to the Treasurer and School Commissioner of each County the amount apportioned to their County, and he shall draw his orders on the State Treasurer in favor of the County Treasurer of each County for the amount apportioned to said County.

Apportionment of State School Fund.

SEC. 18. That there is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, the sum of eight hundred (800) dollars annually, to the State Superintendent of Education, for the purpose of defraying the expenses of clerk hire in the office of said State Superintendent of Education; said sum to be drawn quarterly by him, and to be disbursed by the said State Superintendent for the purpose herein named: Provided, That the said sum of eight hundred (800) dollars shall be in full for the annual payment of all clerk hire of said Department.

Appropriating \$800 for Clerk hire.

SEC. 19. That the State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

SEC. 20. That, in case of vacancy in the office of State Superintendent of Education, the Governor shall appoint, with the advice and consent of the Senate, a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the next ensuing general election, when a person shall be elected to fill the unexpired term; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

The Governor may appoint Superintendent.

County School Commissioners.

SEC. 21. That the present County School Commissioners shall continue in office until their successors are elected and qualified. There shall be elected in each County, at the general election in October, A. D. 1870, and at the general election every two years thereafter, a School Commissioner, who shall hold his office until his successor is elected and qualified.

Term of office.

SEC. 22. That on the first day of January next succeeding the date of

Oath.

A. D. 1870.

his election, he shall take and subscribe the oath of office prescribed in Section 30, Article II, of the Constitution of this State, which oath he shall file in the office of the Clerk of the Court of the County in which he was elected, and shall immediately enter upon the discharge of his duties; and upon his failure so to do, or if for any other cause there should be a vacancy in the office, the Governor shall appoint a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the time prescribed for filling said office by election, as herein provided; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

Duties generally.

SEC. 23. That he shall have the general supervision of all the common and public schools in his County. He shall visit each school in the County at least once each regular term thereof, counsel with and encourage Trustees and teachers, see that the common school law is properly enforced, and do whatever may promote the cause of education in the County.

Branches of learning.

SEC. 24. That it shall be his duty to see that in every school under his care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, history of the United States, the principles of the Constitution and Laws of the United States and of this State, and good behavior.

Report.

SEC. 25. He shall, on or before the first day of October in each year, forward to the State Superintendent of Education an extended report, containing an abstract of the reports made to him by the various school officers and teachers in his County, and showing the condition of the schools under his charge, suggesting such improvements in the school system as he may deem useful, and giving such other information in regard to the practical operation of the common schools, and laws relating thereto, as may be deemed of public interest. He shall also include, in his report, such other matters as he shall be directed to report by the State Superintendent of Education.

Failure.

SEC. 26. That should he fail to make the report required in the preceding Section, he shall forfeit to the school fund of his County the sum of fifty (50) dollars, and shall, besides, be liable for all damages caused by such neglect.

SEC. 27. That he shall, at all times, conform to the instructions of the State Superintendent of Education, as to matters within the jurisdiction of said State Superintendent. He shall serve as the organ of communication between the said State Superintendent and school authorities. He shall transmit to school officers, or teachers, all blanks, circulars, and other communications which are to them directed.

Compensation.

SEC. 28. That each County School Commissioner shall receive as compensation for his services, including expenses of transportation within his County, an annual salary of one thousand (1,000) dollars, except the County of Charleston, in which County he shall receive an annual salary of fifteen hundred (1,500) dollars, payable quarterly by the State Treasurer.

County Board of Examiners.

Office.

SEC. 29. That the County Commissioners of the several Counties shall furnish the School Commissioners of their respective Counties with an office and the necessary office furniture.

SEC. 30. That it shall be the duty of each County School Commissioner, immediately after the passage of this Act, to divide his County into convenient School Districts, for all purposes connected with the general interest of education, and re-district the same, whenever, in his judgment, the general good requires it. Each District shall be confined to the management and control of the Board of School Trustees hereinafter provided for, who shall hold their office for two years, and until their successors are elected and qualified.

A. D. 1870.
Division of
Counties into
School Dis-
tricts.

SEC. 31. It shall be the duty of the School Commissioner of each County to select two suitable and discreet persons, who, together with himself, shall constitute a Board of Examiners, whose duty it shall be to examine all candidates for the profession of teacher, and to give such persons as are found qualified a certificate setting forth the branches of learning he or she may be found capable of teaching; such examination to be renewed every year. No teacher shall be employed in any of the common or public schools without a certificate from the Board of Examiners or the State Superintendent; but certificates furnished by the Board of Examiners shall be valid only in the Counties where issued. A majority of the County Board of Examiners shall have power, for good and sufficient reasons, to cancel any certificate issued by them before the expiration of the time for which said certificate was granted.

Of County
Boards of Ex-
aminers.

SEC. 32. That the Board of County School Examiners shall meet at least twice a year, at such places, and at such times, as the County School Commissioner shall appoint; that the County School Commissioner shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and a register of the name, age, sex, color, residence and date of certificate of each person to whom certificate is issued, and in case a certificate be cancelled, shall make a proper entry of the same.

Duties.

SEC. 33. That it shall be the duty of the County Board of School Examiners, at their first meeting, to order, in and for each and every school district in their County, an election for a Board of three (3) School Trustees, whose duties shall be as hereinafter prescribed. The said County Board shall also have power to fill, by appointment, all vacancies which may occur in the respective School District Boards of School Trustees in their County.

School Districts and Trustees.

SEC. 34. For the purpose of conducting the election provided for in the foregoing Section, a public meeting of the voters of each school district shall be called by order of the County Board of Examiners; said meeting shall be presided over by one member of said Board of Examiners, or a person by them appointed; shall appoint a Secretary, who shall keep a fair record of its proceedings, to be deposited with the County School Commissioner, and shall then proceed to elect three persons, resident in the said school district, to serve as School Trustees for one year: Provided, That fifteen days' notice shall be given of every such public meeting.

Trustees—
term of office.

SEC. 35 That the said Trustees, within fifteen (15) days after their appointment or election, shall take an oath or affirmation faithfully and impartially to discharge the duties of their office, which oath the members are authorized to administer to each other.

Oath.

A. D. 1870.

Clerk—his
duties.

Proviso.

SEC. 36. That it shall be the duty of the said Trustees, any two of whom shall constitute a quorum, to meet as soon as practicable after having been appointed or elected and qualified, at such place as may be most convenient in the district, and organize by appointing one of their number Clerk of the Board, who shall preside at the official meetings of the Trustees, and shall record their proceedings in a book provided for that purpose: Provided, That each member of the Board shall be duly notified of such meetings by the School Commissioners of the County.

Control of
local educa-
tion.

SEC. 37. That it shall be the duty of the Trustees in each school district to take the management and control of the local educational interests of the same, subject to the supervision of the County School Commissioner, and to visit the school at least twice in every month during the school term.

Enumeration
of school chil-
dren.

SEC. 38. That it shall be the duty of the Trustees in the several school districts to make, or cause to be made, annually, in each school district, by the first day of September, an enumeration of all the children between the ages of six (6) and sixteen (16) years, resident within such school district, distinguishing between male and female, white and colored; and the Clerk of said Board of Trustees shall return to the County School Commissioner a duplicate report of the same: Provided, That in case the enumeration of scholastic population of any school district is not made, as provided for in this Act, by that time, the County Board of School Examiners is herewith authorized to appoint new Trustees for such school district, unless for good and sufficient cause the Trustees have failed to act.

Session.

SEC. 39. It shall be the duty of the Board of Trustees to hold a regular session in their School District at least two weeks before the commencement of any or every school term, for the transaction of any and all business necessary to the prosperity of the school, with power to adjourn from time to time, and to hold special meetings at any time or place.

School build-
ings.

Proviso.

SEC. 40. That the Board of Trustees shall have power to establish and make all arrangements for the common schools of districts, paying due regard to any school-house already built or site procured, as well as to all other circumstances proper to be considered, so as to best promote the educational interest of their district: Provided, That if said Board of Trustees shall fail to establish schools and build school-houses, when and where the necessities of the people require them, it shall be the duty of the County School Commissioner, and he shall have the power, to establish and build the same at the expense of the school fund of such School District. They shall employ teachers from among those having certificates, and discharge the same when good and sufficient reasons for so doing present themselves; but they shall employ no person to teach in any of the schools under their supervision unless such person shall hold, at the time of commencing his or her school, a certificate to teach, granted by the County Board of School Examiners, or by the State Superintendent of Education.

Employment
and discharge
of teachers.Jury of view
to select and
assess value
of sites for
schools.

SEC. 41. That should the Board of Trustees be unable otherwise to procure sites for school houses, they are hereby authorized to appoint a jury of view of five legal voters of the County, who shall locate said site as the public interest may require; but, except in a city, town or village,

said site shall not be located within two hundred yards of the dwelling of the owner of the land taken for said site without his consent, given in writing. The said jury shall assess the value of the same, and report their action to the Board of Trustees, who shall secure the title and pay for the site, as decided by the jury of view, out of any moneys available for that purpose.

A. D. 1870.

SEC. 42. That when it shall so happen that persons are so situated as to be better accommodated at the school of any adjoining School District, or whenever it may be desirable to establish a school composed of parts of two or more School Districts, it shall be the duty of the respective Boards of Trustees of the School Districts in which such persons reside, or in which such schools may be situated, or of the School Districts, or the parts of which the school is to be composed, to transfer such persons for education to the School District in which such school house is or may be located; but the enumeration of scholars shall be taken in each District as if no such transfer had been made; and such school, when so composed, shall be supported from the school funds of the respective School Districts from which the scholars may have been transferred.

Transfer of scholar.

SEC. 43. That the school year shall commence on the first Monday of October, and close on the last Friday of June in each year; but the County School Commissioner shall have power to limit the school year according to the school fund apportioned to his County.

School year.

SEC. 44. That it shall be the duty of each school teacher to make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of scholars admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in each of said branches, and such other statistics as he or she may be required to make by the County School Commissioner; and until such report shall have been certified and filed by the said teacher, as aforesaid, it shall be the duty of said Board of Trustees to require the same, and forward to the County School Commissioner, before said teacher can draw pay for his or her services.

Teacher to file a report with Trustee.

SEC. 45. That the State Superintendent of Education, or any County School Commissioner, or School District Board of Trustees, may receive, in behalf of the State Board of Education, any gift, grant, donation or devise of any school house, or site for a school house, or library for the use of any school or schools, or other school purposes within the State, and are hereby invested with the care and custody of all school houses, sites, or other property belonging to the State Board of Education within the limits of their jurisdiction, with full powers to control the same in such manner as they may think will best subserve the interests of common schools and the cause of education, subject to the control of the State Board of Education.

Gift, grant, donation, &c.

Charleston City Board of School Commissioners.

SEC. 46. That it shall be the duty of the School Commissioner of Charleston County to organize, in all those Districts outside of the city of Charleston, formerly known as Parishes, a suitable number of schools, as soon as practicable after the passage of this Act. He shall visit said schools not less than twice during each year, and shall perform such

To establish schools.

A. D. 1870.

other duties as are prescribed for County School Commissioners in this Act. Upon failure or neglect to discharge the duties imposed upon him by this Section, when reported to the State Superintendent of Education, the said State Superintendent is hereby empowered to take such measures as, in his judgment, may be necessary to enforce a faithful performance of duty on the part of said School Commissioner.

Board of
School Com-
missioners —
how appoint-
ed.

SEC. 47. That the School Commissioner of Charleston County, in conjunction with one suitable and discreet person from each ward in the city of Charleston, to be appointed by the Governor, shall constitute the Charleston City Board of School Commissioners, and who shall continue in office until their successors are elected and qualified. The School Commissioner of Charleston County shall be *ex officio* Chairman of the said Board, and may assemble the members thereof any time at his discretion. They (the Board) may appoint one of their number Clerk of the said Board. The powers and duties of the Board aforesaid shall be the same as those of the Board of School Trustees of the several School Districts.

Clerk.

SEC. 48. That at the next regular municipal election held in the City of Charleston, and at every regular municipal election thereafter, one School Commissioner shall be elected by the legal votes of each ward, who shall continue in office until his successor is elected and qualified.

SEC. 49. That all Acts or parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed.

SEC. 50. That this Act shall take effect from its passage.

Approved February 16, 1870.

No. 239. AN ACT TO INCORPORATE AS A PUBLIC HIGHWAY THE ROAD KNOWN AS THE COX BRIDGE ROAD.

Made public
highway.

Commission-
ers to keep in
repair.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the road now known as the Cox Bridge Road, leading from the County of Pickens to the City of Greenville, and crossing Saluda River at Cox's Bridge, be, and the same is hereby, established as a public highway of the Counties of Greenville and Pickens, and that it shall be the duty of the County Commissioners of joint Counties to keep the same at all times in good repair by the same means by which the public roads of joint Counties are repaired.

SEC. 2. That the said bridge and road known as Cox's Bridge and Road, shall not be discontinued as a public road and bridge, unless by a special Act of the Legislature.

Approved February 18, 1870.

No. 240. AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF COLLETON AND SPARTANBURG COUNTIES TO LEVY AN ADDITIONAL TAX TO PAY THE INDEBTEDNESS OF THEIR RESPECTIVE COUNTIES, AND FOR OTHER PURPOSES THEREIN MENTIONED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

and by the authority of the same, That the County Commissioners of Colleton County be, and they are hereby, authorized to levy an additional tax upon the real and personal property in said County of two and a half mills on the dollar, for the purpose of liquidating the indebtedness of the County.

A. D. 1870.
Colleton.

SEC. 2. That the County Commissioners of Spartanburg County be, and they are hereby, authorized to levy an additional tax of two mills on the dollar upon the assessed value of the real and personal property in said County, for the purpose of paying the indebtedness of the County.

Spartanburg.

SEC. 3. That the County Commissioners of Beaufort County be, and they are hereby, authorized to expend for the erection of County buildings so much of the County funds as may be necessary, not exceeding the sum of seven thousand five hundred dollars per annum for the years 1870 and 1871.

Beaufort.

Approved February 18, 1870.

AN ACT TO INCORPORATE THE GROVE STATION BRIDGE COMPANY. No. 241.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That S. Dalton, S. F. Trowbridge, R. S. Elrod, N. S. Clardy and A. B. Holland, of Anderson and Greenville Counties, and their associates and successors, be, and the same are hereby, declared to be a body politic and corporate, by the name and style of the Grove Station Bridge Company.

Corporators.

SEC. 2. That the said corporation shall have the privilege to keep in good repair the bridge now built over the Saluda River, near the depot at Golden Grove, on the Greenville and Columbia Railroad, and known as Grove Station Bridge, for the term of fourteen years, and be allowed to receive and collect the following rates of toll, to wit: For a footman, five (5) cents; for a man and horse, ten (10) cents; for all carriages drawn by one horse, mule or ox, twenty (20) cents; for all carriages drawn by two horses, mules or oxen, twenty-five (25) cents; for all carriages drawn by three horses, mules or oxen, thirty (30) cents; for all carriages drawn by four horses, mules or oxen, forty (40) cents; for all carriages drawn by five or six horses, mules or oxen, fifty (50) cents; for horses, single, five (5) cents per head; for cattle, three (3) cents per head; and for hogs and sheep three (3) cents per head: Provided, All passengers shall be charged only one fare for going and returning on the same day: And provided, further, That no one shall be charged going to or returning from Church or elections, or children going to or returning from school.

To keep the bridge in repair.

Rates of toll.

Proviso.

SEC. 3. The said Company shall be subject to any regulations hereafter adopted by the General Assembly for the government of such Companies.

Approved February 18, 1870.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DARLINGTON COUNTY TO LEVY A SPECIAL TAX FOR THE CONSTRUCTION OF A COURT HOUSE. No. 242.

SECTION 1. *Be it enacted* by the Senate and House of Representatives

B. J. Witherspoon

A. D. 1870.
Authority.

of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of Darlington County be, and they are hereby, authorized and empowered to levy, in addition to the tax already authorized by law, a special tax of two mills on a dollar for the construction of a Court House at Darlington.

Approved February 18, 1870.

B. J. Witherspoon

No. 243. AN ACT TO INCORPORATE THE UNITY AND FRIENDSHIP SOCIETY, OF CHARLESTON, AND TO CONFER CERTAIN POWERS THEREON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That William Eden, Robert Morrison, Corporators. J. N. Izard, Robert Turner, Charles C. Leslie and J. J. Connerville, and all other persons who now are, or shall hereafter become, members of the corporation hereby created, shall be, and are hereby, incorporated as a body politic and corporate, and shall be known, in deed and law, by the name of "The Unity and Friendship Society, of the City of Charleston."

SEC. 2. That the said corporation, by its name aforesaid, shall have Officers. perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form, as may be provided by the rules and regulations now existing, or hereafter to be made, for the government of said Society; and said corporation shall have a common seal, Seal. with power to alter the same, together with the said rules and regulations, in such manner and as often as it shall deem necessary and proper. By-Laws.

SEC. 3. That the said corporation shall be capable to have, hold and Capital stock. enjoy any estate, real or personal, in perpetuity, or for term of years, whether acquired by donation, device or purchase: Provided, That the value of the estate so held shall not exceed the sum of fifty thousand (50,000) dollars at any one time; and to lease, alien or convey the same in full or for term of years in any way it may deem proper; and may sue and be sued, plead and be impleaded, answer and be answered unto, in any Court in the State.

SEC. 4. That this Act shall be deemed a public Act, and shall continue in force for the term of fourteen years.

Approved February 18, 1870.

No. 244. AN ACT TO ESTABLISH THE WEIGHT OF A BARREL OF CRUDE TURPENTINE.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That in the absence of satisfactory Weight. proof of a special stipulation to the contrary, it shall, from and after the passage of this Act, be presumed and held that the quantity and weight of crude turpentine, to make a barrel thereof, is two hundred and eighty pounds.

Approved February 21, 1870.

AN ACT TO REGULATE THE PUBLICATION OF ALL LEGAL AND PUBLIC NOTICES.

A. D. 1870.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, It shall be the duty of the Attorney-General, the Comptroller-General, and the Secretary of State, conjointly, to designate, by public notice [in] one or more newspapers in this State, in which all legal notices, advertisements, or publications for the State, of any and every character required by law to be made public, shall be published; and further to designate a proper number of newspapers for the several Counties of this State, in which all legal notices, advertisements, or publications, for the County or Counties for which, respectively, each paper shall be designated, of any and every character required by law to be made public, shall be published; and said Attorney-General, Comptroller-General, and Secretary of State, shall have power to make such changes and new designations, from time to time, as they may judge that the public interest requires.

The Attorney General and Comptroller General, and Secretary of State to designate papers.

SEC. 2. All State and County officers, and other persons, are hereby required to furnish to the newspapers designated under this Act, for the State and for the respective Counties, for publication, all legal notices, advertisements and publications, of any and every character required by law to be made public; and no legal notice, advertisement or publication required by law to be made public shall have any valid force or effect unless published in the newspaper or newspapers designated under this Act; and no publication, of any character, in any newspaper not designated under this Act, shall be paid for from the funds of this State, or of any County: Provided, That the said officers mentioned in Section one shall have power, in cases requiring unusual publicity, to order publication in such newspapers, in addition to those designated under this Act, as by and with the advice of the Governor they may select; and bills so incurred shall be audited and paid in the usual manner.

State and County Officers to publish in certain papers.

SEC. 3. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Payment.

SEC. 4. This Act shall take effect from and after its passage.

OFFICE SECRETARY OF STATE,
COLUMBIA, S. C., February 22, 1870.

The foregoing Act having been presented to the Governor of this State for his approval, and not having been returned by him to the branch of the General Assembly in which it originated within the time prescribed by the Constitution, has become a law without his approval.

(Signed)

F. L. CARDOZO,
Secretary of State.

AN ACT TO AMEND THE CHARTER OF THE GRANITEVILLE MANUFACTURING COMPANY.

No. 245.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

A. D. 1870.

Repeal.

Amendment.

and by the authority of the same, That so much of Section first of the charter of the Graniteville Manufacturing Company, ratified on the fifteenth day of December, in the year of our Lord 1845, as fixes the shares at five hundred dollars each be, and the same is hereby, repealed.

SEC. 2. That the Graniteville Manufacturing Company be authorized to issue new scrip for the capital stock of the company, in shares of one hundred dollars each, on surrender and cancellation of the old scrip.

Approved February 22, 1870.

No. 246. AN ACT TO DETERMINE THE TIME WHEN THE SALARIES OF COUNTY SCHOOL COMMISSIONERS SHALL COMMENCE, AND TO FIX THE DATE OF THE FIRST MEETING OF THE STATE BOARD OF EDUCATION.

School Commissioners.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the salaries of the several County School Commissioners shall commence on the 1st day of November, A. D. 1869.

Board of Education.

SEC. 2. That the State Board of Education shall hold its first meeting on Wednesday, the 16th day of March, A. D. 1870.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

SEC. 4. That this Act shall take effect immediately.

Approved February 24, 1870.

No. 247. AN ACT TO PROVIDE FOR THE PAYMENT OF CLAIMS OF TEACHERS, FOR SERVICES RENDERED DURING THE FISCAL YEAR COMMENCING NOVEMBER 1ST, A. D. 1868, AND ENDING OCTOBER 31ST, A. D. 1869.

Treasurer authorized to pay.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized and instructed to pay, out of the funds appropriated for the support of free schools, for the fiscal year commencing November 1st, A. D. 1868, and ending October 31st, A. D. 1869, (consisting of fifty thousand (50,000) dollars, in addition to the amount raised by the capitation tax,) the claims of teachers, for services rendered during the year aforesaid, at the rate of five (5) cents per day for each scholar's actual attendance

Superintendent to furnish blanks.

SEC. 2. That the claims aforesaid shall be made out on printed blanks to be prepared by the State Superintendent of Education, and furnished by him to the County School Commissioner of each of the several Counties of this State. He may also prepare and forward to the several County School Commissioners such printed instructions in regard to the said claims as he may deem necessary.

Claims sworn to.

SEC. 3. That each and every claim of the nature aforesaid shall be sworn to and subscribed before a Magistrate or other officer legally qualified to administer oaths.

SEC. 4. That no such claim shall be paid until the same shall have been certified to as correct and just by the School Commissioner of the County in which the services were rendered, and audited by the State Superintendent of Education, who, if he approve the same, shall draw his order on the State Treasurer for the payment thereof, and shall take receipt for said order, in duplicate, one to be placed on file in his office, and the other to be sent to the office of the Comptroller-General of this State.

A. D. 1870.
Commissioner to approve.
Superintendent to audit.
Comptroller General to file

SEC. 5. That all claims of teachers for services rendered during the year hereinbefore mentioned shall be forwarded to the office of State Superintendent of Education within ninety (90) days after the approval of this Act.

Time.

SEC. 6. That if any person shall make out or swear to a false or fraudulent claim of the nature hereinbefore described, such person shall, on conviction thereof, be fined in a sum not less than twice the amount of such false or fraudulent claim, which fine shall be applied for the support of schools.

Fraudulent claim.

SEC. 7. That such sum as shall remain of the fund appropriated for the fiscal year commencing November 1st, A. D. 1868, and ending October 31st, A. D. 1869, for the support of free schools, after the payment of the claims described in this Act, shall be applied for the support of free schools for the fiscal year commencing November 1st, A. D. 1869.

Fund undrawn.

Approved February 24, 1870.

AN ACT TO INCORPORATE THE WIDE AWAKE FIRE ENGINE COMPANY, No. 248.
AS A PART OF THE FIRE DEPARTMENT OF THE TOWN OF SUMTER.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That B. Spears, H. W. Mack, and their successors in office be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Wide Awake Fire Engine Company," with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure: Provided, That said corporation shall have all the privileges, and be subject to all the liabilities and restrictions applicable thereto of the Act to regulate the formation of corporations.

Corporators.
Capital stock.
Privileges.

SEC. 2. This Act shall be deemed a public Act, and shall remain in force for a term of fourteen years.

Approved February 24, 1870.

AN ACT AUTHORIZING THE STATE TREASURER TO RE-ISSUE TO MARTHA H. PYATT AND A. H. ABRAHAMS CERTAIN CERTIFICATES OF STATE STOCK LOST OR DESTROYED. No. 249.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assem-

A. D. 1870.
Treasurer's authority. bly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized to re-issue to said A. H. Abrahams, or his assignee, agent or attorney; also, to Martha H. Pyatt, or her assigns, agent, or attorney, certificates of stock to the same amount, payable at the same time, and bearing the same rate of interest, as those lost or destroyed: Provided, That the said Martha H. Pyatt, her assignees, agent, or attorney, give good and sufficient security in the penal sum of seventeen thousand dollars, and A. H. Abrahams a like bond, in the penal sum of five thousand dollars, to indemnify the State against loss.
 Approved February 25, 1870.

No. 250. AN ACT TO ALTER AND AMEND THE CHARTER AND EXTEND THE LIMITS OF THE CITY OF COLUMBIA.

Extension. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the boundaries of the City of Columbia be, and the same are hereby, extended, to embrace on the side of Upper street all the territory included between the said Upper street and a line running parallel to the said Upper street, and distant therefrom nine hundred and fifty-four feet, and on the side of Harden street, to embrace all the territory included between the said Harden street and a line running parallel to the said Harden street, and distant therefrom nine hundred and fifty-four feet.

Election of Mayor and Aldermen. SEC. 2. That the Mayor and Aldermen of the City of Columbia are hereby required to proceed, immediately upon the passage of this Act, to designate, by proper marks and monuments, the boundaries hereinbefore authorized.

SEC. 3. That an election for Mayor and Aldermen of the said City of Columbia shall be held on the first Tuesday of April, 1879, and on the first Tuesday of April, every two years thereafter.

Wards. SEC. 4. Each ward of the City of Columbia shall elect its own Alderman, but the Mayor shall be elected by the majority of voters in the entire city.

SEC. 5. That the election provided for in this Act shall, in all respects, be carried on in accordance with, and under the provisions of an Act entitled "An Act to provide for the election of the officers of the incorporated cities and towns in the State of South Carolina," approved the twenty-fifth day of September, 1868.

SEC. 6. That all Acts or parts of Acts, inconsistent with the provisions of this Act, be, and the same are hereby repealed.

Approved February 26, 1870.

No. 251. AN ACT TO AUTHORIZE THE FORMATION OF A COMPANY FOR THE CONSTRUCTION OF A TURNPIKE ROAD THROUGH OR NEAR SASSAFRAS GAP.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

and by the authority of the same, That the formation of a Company, to be known as the Sassafras Turnpike Company, is hereby authorized for the purpose of constructing a turnpike road from the Holly Spring Church, in Pickens County, to the North Carolina line, passing through the intervening mountains at or near Sassafras Gap; which said Company shall be composed of James L. Orr, James W. Harrison and W. H. D. Gailard, of Anderson County, and W. E. Holcombe, J. E. Hagood, Jackson Gillespie and James Cantrell, of Pickens County, and such other persons as they may associate with them.

SEC. 2. That the said turnpike road, when completed, shall be vested in the said Company for the term of fourteen years: Provided, That the work on said road shall be begun within six months from the passage of this Act, and be completed within two years from the beginning of the same.

SEC. 3. That from and after the completion of the said Turnpike Road, the said Company shall have the right and power to charge and collect the following rates of toll, to wit: For each carriage or vehicle, for conveying persons, or used by pedlars, drawn by four animals, seventy-five cents; for such carriage or vehicle, drawn by three animals, sixty-two cents; for such carriage or vehicle, drawn by two animals, fifty cents; and for such carriage or vehicle, drawn by one animal, twenty-five cents; for each and every other carriage or vehicle, with four wheels, drawn by six or more animals, seventy-five cents; for such carriage, drawn by five animals, sixty-two cents; for such carriage, drawn by four animals, fifty cents; for such carriage, drawn by three animals, thirty-seven cents; for such carriage, drawn by two or one animal, thirty-seven cents; for every cart drawn by one or two animals, twenty-five cents; for every person on horseback, ten cents; for every horse or mule, led or in a drove, five cents; for every head of cattle in a drove, three cents; for every hog, sheep, or goat, two cents: Provided, always, That each and every person going to or returning from church, an election of a public nature, or to a mill, shall and may pass over said Turnpike Road free of charge.

SEC. 4. That said Company shall enjoy all the privileges, and be subject to all the liabilities and restrictions, so far as applicable, of the Act to regulate the formation of corporations.

Approved February 26, 1870.

A. D. 1870.

Location.

Corporators.

Term of charter.

Rate of toll.

AN ACT TO SELL A CERTAIN LOT OF LAND TO THE ZION BAPTIST CHURCH, OF COLUMBIA. No. 252.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That upon payment into the Treasury of the State of the sum of ten dollars, the Governor is hereby authorized to transfer the title of a quarter of an acre of land, the property of the State, situated in the City of Columbia, on the corner of Washington and Gadsden Streets, to John Little, Alfred Goodwyn, Stephen McDaniel, Martin Mory and A. Worthy, Deacons of Zion Baptist Church, in the City of Columbia, and their successors in office. The Governor shall appoint some suitable person to lay off said one quarter of an acre

Amount.

Description of land.

Governor to appoint person to lay off.

A. D. 1870. of land, and to define and establish the metes and bounds thereof; the person or persons so appointed to be paid for their services by the purchasers of said lot of land.

Compensation.

Approved February 26, 1870.

No. 253. AN ACT TO GRANT, RENEW AND AMEND THE CHARTERS OF CERTAIN TOWNS AND VILLAGES THEREIN MENTIONED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same :

Town of Summerville.

Summerville. That the Act incorporating the town of Summerville be, and the same is hereby, renewed and extended, and the said town shall have and enjoy all the rights, powers and privileges heretofore granted, not conflicting with the Constitution of this State.

Amendment. **SEC. 2.** That the fifth Section of an Act to renew and amend the charters of certain towns and villages heretofore incorporated be so amended as to allow the Councilmen to raise a tax not exceeding one per cent. on a hundred dollars.

Town of Abbeville.

Abbeville. **SEC. 3.** That so much of Section second of an Act entitled "An Act to incorporate the Town of Abbeville," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, as requires the Intendant and Wardens therein mentioned and the electors therefor to be owners of a freehold, be, and the same is hereby, repealed.

Repeal. **SEC. 4.** That the fifth Section of said Act be, and the same is hereby, repealed.

Oath of officers. **SEC. 5.** All officers elected or appointed under said Act shall, in addition to the oath required to be taken by the officers, respectively, by said Act, be required to take and subscribe to the oath prescribed in the Constitution of the State, as ratified by the people on the 14th, 15th and 16th days of April, 1868.

Town of Camden.

Camden. **SEC. 6.** That the second Section of an Act entitled "An Act to alter and amend the charter of the town of Camden," ratified on the fourteenth day of December, A. D. 1866, be, and the same is hereby, repealed.

Village of Walterborough.

Walterborough. **SEC. 7.** That so much of the second Section of Act incorporating the village of Walterborough, passed on the twentieth day of December, one thousand eight hundred and twenty-six, and renewed by sundry Acts of

the General Assembly, as required the Intendant and Wardens to be freeholders within the limits of the said village be, and the same is hereby, repealed.

A. D. 1870.

Town of Sumter.

SEC. 8. That so much of Section 4 of an Act entitled "An Act to renew and amend the charter of the town of Sumter," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six, as requires the Intendant and Wardens, provided for in said Act, to be owners of real estate, be, and the same is hereby, repealed.

Sumter.

Repeal.

SEC. 9. That the fifth Section of said Act be, and the same is hereby, amended so as to read as follows: "That the said Intendant and Wardens shall be elected on the second Monday in October of every year, at which election all such persons as have hereinbefore been declared to be members of the said corporation shall be entitled to vote. All persons entitled to vote for members of the General Assembly, and who have resided sixty days previous to election within the corporate limits, shall be entitled to vote."

Election of
Intendant &
Wardens.

SEC. 10. That the seventh Section of said Act be, and the same is hereby, amended, so as to read as follows: "The said election shall be held at some convenient place in the said town, from half-past seven of the clock in the morning until sunset in the afternoon, when the polls shall be closed, and the Managers shall forthwith count the votes, declare the election, and give notice of the result thereof, in writing, to the persons elected. The Intendant and Wardens, for the time being, shall give ten days' public notice of the time and place or places of holding such election, and shall appoint three members of the said corporation as Managers of said election at the place where it may be held, and the said Managers, before they open the polls, shall take an oath fairly and impartially to conduct the said election, and also the oath prescribed by Section thirty of Article two of the Constitution of this State; and any person so appointed as Manager, and refusing to serve, shall be subject to a fine not exceeding twenty dollars, to be imposed by the said Intendant and Wardens. And the said Intendant and Wardens are empowered to make all necessary ordinances, rules and regulations for the proper, fair and just management and control of said elections, and to punish offenders against the same: Provided, That at the first election held after the passage of this Act the Clerk of the Court of Common Pleas for Sumter County is hereby required to give the notice provided for in this Section, of the time and place or places of holding such election: And provided, further, That at the first election held after the passage of this Act, the following three members of the said corporation, to wit: —, —, —, shall constitute the Managers thereof."

Time of elec-
tion.

Notice.

Managers.

Oath.

Refusal to
serve.

Rules, Ord-
nances, &c.

Clerk Com-
mon Pleas to
give notice.

SEC. 11. That the Intendant and Wardens, to be elected as above directed, shall, before they enter upon the duties of their offices, respectively, take the oath prescribed by the Constitution of this State, as ratified by the people of the State on the 14th, 15th and 16th days of April, A. D. 1868, and also take the following oath, to wit: "As Intendant (or Warden) of the town of Sumter, I will equally and impartially, to the best of my skill and judgment, exercise and discharge the trust reposed

Oath of In-
tendant and
Wardens.

A. D. 1870. in me, and will endeavor to carry into effect the purposes for which I have been appointed: So help me God."

Clerk.

Treasurer &
Marshals.

Their duties.

SEC. 12. That the twelfth Section of said Act be, and the same is hereby, amended so as to read as follows: "That the said Intendant and Wardens shall have power to elect and have a Clerk and Treasurer, and one or more Marshals for the said town; and they are hereby required to appoint an Inspector of Weights and Measures for the said town; and the said Intendant and Wardens shall have power to establish the salaries and fees, and prescribe the duties of said officers, and the said officers shall give bond, with sufficient security, in such amount as may be deemed proper, for the faithful discharge of the duties of their respective offices. The said Marshals shall be duly sworn in, and take the oath prescribed by law for State Constables within the corporate limits of said town, in addition to the duties and liabilities specially conferred and imposed upon them by the said Intendant and Wardens; and the officers elected or appointed under the provisions of this Section shall also take the oath prescribed by the Constitution of this State, as ratified by the people of the State on the 14th, 15th and 16th days of April, A. D. 1868, before entering upon the duties of their respective offices."

SEC. 13. That the sixteenth Section of said Act be, and the same is hereby, repealed.

Taxation.

SEC. 14. That the twenty-second Section of said Act be, and the same is hereby, amended so as to read as follows: "That an Ordinance declaring the rate of annual taxation upon property, and other subjects of annual taxation for the year, shall be published at least three weeks during the month of December in each year, and that all persons liable to taxation under the same, shall make their return on oath, and make payment of their taxes to the Clerk and Treasurer of the said corporation during the succeeding month; and that upon failure to make such return and payment, the parties so in default shall be subject to the penalties now provided by law for failure to pay the general State tax, the said penalty to be enforced by the said Intendant and Wardens for the use of the said town; and that all other taxes imposed by the Intendant and Wardens shall be payable in advance by the parties liable therefor, and that for non-payment of the same the party in default shall be subject to the same penalty as that hereinbefore set forth in relation to annual taxes."

SEC. 15. That the thirty-fourth Section of said Act be, and the same is hereby, repealed.

Town of Walhalla.

Walhalla.

SEC. 16. That the charter of the town of Walhalla, in the County of Oconee, be, and the same is hereby, renewed for the term of fourteen years; and that during such period the said corporation shall be entitled to all the powers and privileges, and be subject to the same conditions as are expressed in the original charter of the said town, except such as do conflict with the Constitution of South Carolina, and the Ordinances of the Convention of 1868.

Town Council
to regulate
sales.

SEC. 17. That the charter of the said town of Walhalla be, and the same is hereby, so amended that the Town Council shall have power to regulate sales at auction within the corporate limits of said town, and to

grant licenses to auctioneers and itinerant traders: 'Provided, That nothing herein contained shall extend to sales by or for Sheriffs, Coroners, Clerks of Courts, Judges of Probate, Executors, Administrators, Assignees, or any other person, under the order of any Court or Magistrate. The said Council shall have power to grant licenses to keepers of hotels, livery stables, ten pin alleys, or other kind of games of hazard, skill or chance, and to levy a tax on all drays, wagons, carriages, omnibuses, buggies and horses kept for hire in the corporate limits of the said town of Walhalla.

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Licenses, &c.

SEC. 18. The Town Council shall have power to compel the storage of all powder over and above one keg or twenty-five pounds kept by any merchant or other person in said town, for sale or otherwise, in a magazine built for that purpose, and the owner of such powder shall pay for storage such sum of money on each keg or parcel of twenty-five pounds, or less, as the Council by ordinance shall determine. Any person violating the provisions of this Section shall be liable for each offence to a fine of fifty dollars, to be collected summarily before a Magistrate or Trial Justice, to and for the use of said town, and shall, in addition, forfeit to the said town the powder so illegally kept.

Storage of powder.

Violation.

Penalty.

SEC. 19. That the Town Council of the said town shall have power and authority, with the consent of the adjacent land-holders, to close all such streets, roads, lanes and alleys within the said town as they may deem necessary, and to lay out, adopt, open and keep in repair all such new streets, roads, lanes and alleys as they may, from time to time, deem important or necessary for the improvement and convenience of said town: Provided, That no new street, road, lane or alley shall be opened without first having obtained the consent of the land-owner or owners through whose premises any such street, road, lane or alley shall pass.

Streets, lanes, roads, &c.

Proviso.

SEC. 20. That the election for Intendant and Wardens for the year eighteen hundred and seventy shall be held on the second Monday in March.

Election.

Town of Winnsborough.

SEC. 21. That Section one of an Act entitled "An Act to incorporate the town of Winnsborough," be, and the same is hereby, amended by striking out the following words in the fourth line, to wit: "or owners of freehold therein." That Section two of the same Act be, and the same is hereby, amended by striking out the word "twelve," in the eighth line, and inserting the word "two" in its stead; by striking out the words "free white," in the eleventh line; by striking out the words "six months," in the twelfth line, and inserting in their stead the words "sixty days;" by striking out all of the thirteenth line, which reads as follows, to wit: "and who shall have paid all taxes and dues of every kind whatsoever;" by striking out the words between "Wardens," on the fourteenth line, and the word "and," on the sixteenth line.

SEC. 22. That Section five of the same Act be, and the same is hereby, amended by striking out all after the word "town," in the second line. That Section eight of the same Act be, and the same is hereby, amended by striking out the word "twenty," in the last line, and inserting the word "fifty" in lieu thereof. That Section nine of the same Act be amended by striking out the words "five dollars or any," in the seventh

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line; and by striking out the word "two," in the eighth line, and inserting in lieu thereof the word "five."

SEC. 23. That Section ten of the same be, and the same is hereby, amended by striking out the words "Commissioners in Equity, Ordinary," and inserting in lieu thereof the words "Clerks of Courts, Judge of Probate." That Section twelve of the same be amended by striking out the words "negro houses," in the eighth line.

Town of Edgefield.

Edgefield.

SEC. 24. That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the village of Edgefield, and those who may occupy such dwelling houses under lease, shall be deemed, and are hereby declared, a body politic and corporate, and that the said village shall be called and known by the name of "Edgefield," and its limits shall be held and deemed to extend one mile in every direction from the court house situated therein.

Extension.

Its govern-
ment.

SEC. 25. And be it further enacted, That the said village shall be governed by an Intendant and four Wardens, who shall be elected on the first Monday in March next, on which day, as well as on the second Monday in April in every year thereafter, an election shall be held for an Intendant and four Wardens, who shall always be persons living within the limits of said village, at such place as the Intendant and Wardens shall designate, ten days' notice being previously given; and that all the male inhabitants of the said village who shall have attained the age of twenty-one years, and have resided therein sixty days previous to the election, shall be entitled to vote for said Intendant and Wardens, the election to be held from seven (7) o'clock in the morning until six (6) o'clock in the afternoon; and when the polls shall be closed, the Managers shall proclaim the election, and give notice thereof, in writing, to the persons elected; and that the Intendant and Wardens, for the time being, shall appoint three (3) Managers to hold the ensuing election: Provided, That the present Commissioners of Election be empowered to appoint the Managers for the first election; that the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of Edgefield, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and to carry into effect, according to law, the purposes of my appointment: So help me God."

Election.

Oath of of-
fice.

Vacancies.

SEC. 26. And be it further enacted, That in case a vacancy shall occur in the office of Intendant or any of the Wardens, by death, resignation, removal from office or absence from the State, an election shall be held by the appointment of the Intendant and Warden or Wardens, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of themselves to act as Intendant during the time.

Powers.

SEC. 27. And be it further enacted, That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of the Justices of the quo-

rum of the State, within the limits of the said village; that the Intendant shall and may, as often as occasion may require, summon the Wardens to meet him in Council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of "The Town Council of Edgefield;" and they and their successors in office may have a common seal; and shall have power and authority to appoint, from time to time, such and so many proper persons to act as Constables within their jurisdiction, according to law, as they shall deem expedient and proper, which Constables shall have all the powers, privileges and emoluments, and be subject to all duties, penalties and regulations provided by the laws of the State for the office of Constable; and the Intendant and Wardens, in Council, shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances, respecting the streets, ways, markets and police of said village, as shall appear to them proper for the security, welfare and convenience of said village, and for preserving health, peace, order and good government within the same; and the said Council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars; and when fines exceed twenty dollars they may be recovered in the Magistrates' Courts for Edgefield County; and when they are of the amount of twenty dollars or under, the same may be recovered before said Intendant and Wardens in Council: Provided, That nothing herein contained shall empower the said Council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of the land; and all such by-laws and ordinances shall, at all times, be subject to revisal or repeal by the Legislature.

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Privileges,
emoluments,
penalties, &c.

Proviso.

Police.

Jurisdiction.

SEC. 28. And be it further enacted, That the said Intendant and Wardens shall have power to abate and remove nuisances within said limits; and in case of disorderly behavior, the Intendant and Wardens, or any of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, and, upon due examination, shall either release, admit to bail, (if the offence be bailable,) or commit to jail, such offender, as the case may require; and the Sheriff of Edgefield County is hereby required to receive and keep the persons so committed until discharged by due course of law; and that the said Intendant and Wardens shall, collectively and severally, have jurisdiction, within the said corporate limits, in all criminal cases, as Trial Justices and quorums have according to law.

Roads, lanes,
&c.

SEC. 29. And be it further enacted, That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and alleys, within the said limits, open and in good repair, and for that purpose they are invested with all the powers granted by law to the County Commissioners, and for neglect of duty they shall be liable to the penalties imposed by law upon County Commissioners for like neglect.

Town of Newberry.

SEC. 30. That all persons, citizens of the United States, who now own, or who may own dwelling houses in the town of Newberry, and those who may occupy such dwelling houses under lease, shall be deemed, and are

Newberry.

- A. D. 1870.** hereby declared a body politic and corporate, and that the said town shall be called and known by the name of Newberry, and its limits shall be held and deemed to extend for one mile in every direction from the court house situated therein.
- Extension.**
- Government.** SEC. 31. And be it further enacted, That the said town shall be governed by an Intendant and four Wardens, who shall be elected on the first Tuesday in November every year, and said Intendant and Wardens shall always be persons living within the limits of said town, and there shall be an election held always at such place as the Intendant and Wardens shall designate, ten days' notice being previously given, and that all the male inhabitants of the said town, who have attained the age of twenty-one years, and have resided therein sixty days previous to the election, shall be entitled to vote for said Intendant and Wardens, the election to be held from seven o'clock in the morning until six o'clock in the afternoon, and when the polls shall be closed the Managers shall proclaim the election, and give notice thereof in writing to the persons elected; and that the Intendant and Wardens for the time being shall appoint three Managers to hold the ensuing election; that the Intendant and Wardens, before entering upon the duties of their office, shall take the oath prescribed by the Constitution of the State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Newberry, I will equally and impartially, to the best of my skill and ability, exercise the trust conferred upon me, and will use my best endeavor to preserve the peace, and to carry into effect, according to law, the purpose of my appointment. So help me God."
- Election of officers.**
- Managers.**
- Oath of office.**
- Vacancy.** SEC. 32. And be it further enacted, That in case of a vacancy in the office of Intendant, or any of the Wardens, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the Intendant or Wardens, as the case may be; and that said Intendant shall give ten days' previous notice of such election, and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of themselves to act as Intendant during the time.
- Powers of officers.** SEC. 33. And be it enacted, That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the powers of the Justice of the Peace of the State, within the limits of the said town; that the Intendant shall and may, as often as occasion may require, summon the Wardens to meet him in Council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of "The Town Council of Newberry;" and they and their successors in office may have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as Constables within their jurisdiction, according to law, as they shall deem expedient and proper, which Constables shall have all the powers, privileges and emoluments, and be subject to all duties, penalties and regulations provided by the laws of the State for the office of Constable; and the Intendant and Wardens in Council shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances respecting the streets, ways, markets and police of said town as shall appear to them best for the preservation of peace and welfare of the town; and the said Council shall affix fines for offences against such by-laws and or-
- Police.**

dinances, and appropriate the same to the use of the corporation, but no fine shall exceed fifty dollars, and when fines exceed twenty dollars they may be recovered in a Magistrate's Court for Newberry County, and when they are of the amount of twenty dollars or under they may be recovered before said Intendant and Wardens in Council: Provided, That nothing herein contained shall empower the said Council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of the land; and all such by-laws and ordinances shall, at all times, be subject to revisal or repeal by the Legislature.

A. D. 1870.

Proviso.

SEC. 34. And be it further enacted, That the said Intendant and Wardens shall have power to abate and remove nuisances within the said limits, and in case of disorderly behavior the Intendant and Wardens, or any one of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to jail such offender, as the case may require; and the Sheriff of Newberry County is hereby required to receive and keep persons so committed, until discharged by due course of law; and that the said Intendant and Wardens shall collectively and severally have jurisdiction within the said corporate limits in all criminal cases as Trial Justices have according to law.

Jurisdiction.

Bail.

SEC. 35. That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and alleys within the said limits open and in good repair, and for that purpose they are invested with all the powers granted by law to the County Commissioners, and for neglect of duty they shall be liable to the penalties imposed by law on County Commissioners for like neglect.

Village of West Union.

SEC. 36. That the persons residing within a radius of half a mile from the "West Union Depot," are hereby created a body corporate under the name of the village of "West Union."

West Union.

SEC. 37. That the officers of the said village shall be the same in number, and have the like qualifications, and powers and privileges which are granted to other towns and villages incorporated in this State.

Lancaster.

SEC. 38. That the charter of the village of Lancaster, hitherto granted, is hereby renewed for the period of fourteen years from the passage of this Act, and during such period the said corporation shall have all the powers and privileges, and be subject to all the limitations and restrictions as are set forth in the said charter: Provided, That the charter of said corporation, and this renewal thereof, shall be subject to the Constitution and Ordinances of the Convention of 1868.

Lancaster.

Renewal of charter.

Rock Hill.

SEC. 39. That the persons residing within the area of a square, each side whereof is one mile, and the centre whereof is "Gordon's Hotel," in

Rock Hill.

A. D. 1870.

Chartered.

the County of York, are hereby created a body corporate under the name of the village of Rock Hill, with the officers the same in number, and having the same powers and privileges, and subject in every respect to the provisions of the charter granted to the village of Cokesbury by the Act of 1852, except wherein said charter may be inconsistent with the Constitution and Ordinances of 1868.

SEC. 40. That this Act shall be taken and deemed a public Act in all Courts of Justice, and shall continue in force for ten years, and until the end of the next session of the General Assembly thereafter.

SEC. 41. That all Acts, and parts of Acts, inconsistent with this Act, be, and the same are hereby, repealed.

Approved February 26, 1870.

No. 254. AN ACT TO CHARTER THE MANCHESTER AND AUGUSTA RAILROAD COMPANY.

Purpose.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a railroad from some point on the Wilmington and Manchester Railroad between the towns of Sumter and Manchester and the town of Hamburg, or some point near that place, a corporate Company is hereby authorized, to be called the Manchester and Augusta Railroad Company, which Company, when formed in compliance with the conditions herein prescribed, shall have corporate existence as a body politic in perpetuity.

Authority to construct.

SEC. 2. That the said Company be, and is hereby, authorized to construct a railroad from some point on the Wilmington and Manchester Railroad to the town of Hamburg, or near that place.

Commissioners of subscription.

SEC. 3. That for the purpose of raising the necessary capital stock of said Company, it shall be lawful to open books in the town of Sumter, under the direction of John T. Green, F. J. Moses, Jr., J. S. Richardson, Jr., M. B. Allen, Joseph Smith and Wm. Gowan; at Florence, under the direction of E. W. Charles, J. Eli Gregg, D. C. Milling, T. D. McDowell, C. A. Sherman and A. W. Thayer; at Marion Court House, under the direction of W. W. Harlee, William Evans and W. S. Mullins; and at any other place or places in South Carolina by any three of the aforesaid Commissioners, for the purpose of receiving subscriptions to an amount not exceeding five millions of dollars, in shares of one hundred dollars each, to constitute a joint capital stock, for the purpose of constructing and carrying into operation the aforesaid railroad or any part thereof. The time and place for receiving subscriptions shall be fixed by a majority of the Commissioners at Sumter Court House; and if they fail, then by any of the three Commissioners hereinbefore named, having advertised for thirty days in any newspaper or newspapers in the State; and the books shall be kept open for thirty days at each of the places where they shall be opened. That on each share of stock subscribed, the subscriber shall pay two dollars to the Commissioners, who shall deposit the same in some national bank. When one hundred thousand dollars are subscribed, the said Commissioners, or any three of them,

Place where subscription to be received

Shares.

shall give notice of the time and place of meeting for organization in some public newspaper.

A. D. 1870.

SEC. 4. Whenever the said sum of one hundred thousand dollars is subscribed, the subscribers, their executors, administrators, or assigns, shall be, and they are hereby, declared to be incorporated into a Company, and shall have all the rights and privileges conferred upon the Northeastern Railroad Company, according to their original charter, each subscriber being entitled to one vote for each share of stock; which said charter was ratified on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one: Provided, That nothing herein contained shall be construed so as to exempt the said Company from the payment of taxes.

\$100,000 subscription required as condition of subscription.

Proviso.

SEC. 5. The said Company shall have the right to build bridges across navigable rivers: Provided, They shall put in good and sufficient draws, and shall construct necessary stations and turn-outs, with one or more tracks to the road, with such gauge as may be considered best, and may co-operate or consolidate with such road or roads as may be chartered by the State of Georgia, forming but one corporation, at their discretion: Provided, That said road shall be subject to the provisions of an Act entitled "An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations may be taken for the construction and uses of railways and other works of internal improvement," ratified the twenty-second day of September, 1868.

To build bridges.

Proviso.

Further proviso.

SEC. 6. That this Act shall be deemed a public Act, and continue in force for twenty-one years.

Approved February 26, 1870.

No. 255.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CHARLESTON BOARD OF TRADE."

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the second Section of the Act of the General Assembly, ratified the nineteenth day of December, Anno Domini 1866, be, and the same is hereby, amended, so as to read as follows: That the said Charleston Board of Trade shall be entitled to hold and possess property to an amount not exceeding fifty thousand dollars.

Amendment.

Approved February 28, 1870.

No. 256.

AN ACT TO ESTABLISH A FERRY ACROSS THE WACCAMAW RIVER, IN HORRY COUNTY, AND TO VEST THE SAME IN JOHN J. REAVES, HIS HEIRS AND ASSIGNS.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a public ferry be, and is hereby, established and chartered, to reach and extend across the Waccamaw River, in Horry County, at a point called "Oliver Landing;" and that the said ferry be vested in John J. Reaves, his heirs and assigns, for the

Establishing ferry.

A. D. 1870. term of seven years, and that the following rates of toll be charged and collected, and no more: For every four-horse carriage or vehicle, one dollar; for every two-horse carriage or vehicle, seventy-five cents; for every one-horse carriage or vehicle, twenty-five cents; for every single horse and rider, five cents; for each foot person, four cents; for each head of sheep, goats and hogs, two cents: Provided, That children going to and coming from school, and voters going to and returning from elections, be passed free of charge.

Rates of toll.

Proviso.

Approved February 28, 1870.

No. 257. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ASSESSMENT AND TAXATION OF PROPERTY."

Amendments **SECTION 1.** *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act to provide for the assessment and taxation of property, passed September 15th, 1868, be, and it is hereby, amended as follows: Strike out from Section 63 the words "first Monday of December," and insert the words "last Monday in October;" strike out from Section 66 of said Act, the words "third Monday of December," and insert the words "third Monday of November;" strike out from Section 67 the words "fourth Monday of December," and insert the words "first Monday of December;" strike out from Section 68 the words "second Monday of December," and insert the words "first Monday of November;" strike out from Section 69 the words "first Monday of December," and insert the words "first Monday of November;" strike out from Section 72 the words "first day of January," and insert the words "twentieth day of December;" strike out from Section 92 the words "first Tuesday of May," and insert the words "third Tuesday of May."

SEC. 2. That Section 139 of the aforesaid Act be amended by inserting after the word "Auditor," where it first occurs on the fifth line of the Section, in the printed Act, the words "approved by the County Commissioners."

Non-payment of taxes. **SEC. 3.** Be it further enacted, That in all cases where the penalty for non-payment of taxes has attached to property held by Assignees in Bankruptcy, and which could not, or cannot, be sold before the time at which taxes become due; and in all cases where sales of property for the settlement of estates ordered by any Court in this State have not been, and cannot, for want of time, be made in season for the payment of taxes due thereon, the State Auditor, upon proper evidence that the taxes due upon such property have not been, and cannot be paid, until a sale of said property is made, may remit the penalty which by law attaches for non-payment of taxes.

State Auditor to remit penalty.

Treasurer of Charleston to appoint deputies. **SEC. 4.** The Treasurer of Charleston County is hereby authorized to appoint three Deputies, whose duty it shall be to assist in the collection of taxes in said County. Said Deputies shall each receive as compensation for their services the same commissions as are paid for the collection of taxes to the County Treasurer: Provided, That the total amount paid to each Deputy, in any current year, shall not exceed the sum of five

Proviso.

hundred dollars: And provided, further, That the duties of said Deputies shall be confined to the collection of the simple taxes, and shall not include the collection of taxes with penalties attached. Said Deputies shall give such bond for the faithful performance of their duties as said County Treasurer shall require.

A. D. 1870.
Duties of Deputies.

SEC. 5. The collection of taxes shall not be stayed or prevented by any injunction, writ or order issued by any court or officer, except as provided for in this Act, and in the Act to provide for the assessment and taxation of property aforesaid.

Collection not stayed by injunction, &c.

SEC. 6. Whenever any person, or persons, charged with taxes upon the books of any Tax Collector in this State, shall state, in writing, to said Collector that he, or they, have been erroneously or illegally charged with the same, said Collector shall submit to the County Auditor a full statement of the facts in the case, which statement shall be forwarded to the State Auditor, with such additional information, relating thereto, as the said County Auditor may be able to give; and said Tax Collector shall not be required to proceed against the party or parties so claiming to have been erroneously or illegally charged with taxes, by distress or otherwise, until the State Auditor shall, in writing, direct him so to do.

Illegal and erroneous taxation.

Statement by County Auditor to State Auditor.

Tax Collector not to proceed

SEC. 7. In any action or proceeding against any Tax Collector in this State, for the purpose of recovering any property or money alleged to have been erroneously or illegally assessed and collected, the party bringing such action or proceeding shall make it appear that a notice in writing of the claim on which such suit may be brought was given to said Tax Collector in pursuance of the sixth (6th) Section of this Act; and unless it shall be made to appear that said Collector has proceeded, contrary to the provisions of this Act, the amount recovered in such suit shall not exceed the value of the property or money aforesaid.

Proceedings against Tax Collector.

SEC. 8. It shall be the duty of the Attorney-General of the State to defend any suit or proceeding against any Tax Collector, or other officer, who shall be sued for moneys collected, or property levied on, or sold on account of any tax, when the State Auditor shall have ordered such Collector to proceed in the collection of any such tax, after notice as aforesaid, or suit brought; and any judgment against such Collector or other officer, finally recovered, shall be paid in the manner provided in Section 81 of the Act to provide for the assessment and taxation of property aforesaid.

Attorney General to defend

Judgment.

SEC. 9. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 28, 1870.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE SALE OF THE COLUMBIA CANAL."

No. 258.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the first Section of an Act entitled "An Act to authorize the sale of the Columbia Canal," approved 21st September, 1868, be amended so as to read as follows: His Excellency the Governor, C. H. Balwin and Charles M. Wilder, are hereby

Commission.

A. D. 1870.

Stipulations.

Restrictions.

Default.

Deed of conveyance filed with Secretary of State, &c.

constituted a commission to sell and convey the right, title and interest of the State in the Columbia Canal, and in all the lands, privileges and appurtenances owned by the State thereunto belonging or appertaining, subject to the following conditions, (in addition to such other conditions as the said Commission, in its discretion, may impose, which conditions shall be published in the advertisement,) to wit: That the purchaser or purchasers, his or their heirs, assigns or successors, shall, within two years from the first day of March, 1870, complete the widening and deepening of the said Canal to at least twice its original capacity; that the same shall always be kept open, and in proper order for boating purposes, (free of all charges for toll or otherwise,) as far as the same is now used; that the waters of said Canal shall not be allowed to become stagnant; that the same shall not be used for other than hydraulic purposes; and upon the further condition that the work of widening and deepening the said Canal shall be commenced on or before said first day of March, 1870; and the sum of ten thousand dollars shall be expended on the same within twelve months from the said first day of March, 1870; and that the title to the Canal shall revert to the State on default being made in any of the conditions so imposed.

SEC. 2. That the deed of conveyance of the said Canal, heretofore executed by the State, shall be deemed good and valid, provided the purchaser or owner of the said property shall file with the Secretary of State, and with the Clerk of the Court of Common Pleas for Richland County, his written assent, under his hand and seal, to the conditions expressed in this Act.

Approved February 28, 1870.

No. 259. AN ACT AUTHORIZING THE STATE TREASURER TO RE-ISSUE TO RICHARD P. BUCK A CERTAIN CERTIFICATE OF STATE STOCK, LOST OR DESTROYED.

Treasurer authorized to re-issue.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer is hereby authorized to re-issue to Richard P. Buck a new certificate of State stock, of the same tenor and date as the one purported to be lost or destroyed, in the sum of ten thousand dollars; and that the said Richard P. Buck is hereby required to deposit with the State Treasurer a bond legally executed in the penal sum of twenty thousand dollars, to indemnify the State against loss.

Approved February 28, 1870.

No. 260. AN ACT RESTORING TO THE FAMILY OF ISAAC HAITHCOCK, DECEASED, A TRACT OF ESCHEATED LAND IN THE COUNTY OF SUMTER.

Description of land.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a certain tract of land in the

County of Sumter, containing one hundred acres, more or less, and bounded by lands now, or lately, owned by G. W. Lee, T. D. Foxworth, and estate of John A. Colclough, deceased, and situate about eight miles, more or less, from the town of Sumter, which said tract of land was the property of Isaac Haithcock, a free person of color, who died in the said County in the year eighteen hundred and fifty-six (and was, at the time of his death, seized and possessed of said tract of land, which said tract was escheated at the Spring Term of the Court of Common Pleas for Sumter County, in 1858, because the deceased left no lawful heirs, as his wife, Charlotte, now dead, was a slave, and his and her children, following the condition of the mother, were slaves, and, therefore, by the then laws of South Carolina, could not inherit,) be, and the same is hereby, granted and conferred upon Hampton Haithcock, of said County, in trust, for the children of Isaac Haithcock, deceased, by his wife, Charlotte, also deceased, to wit: Harrington, Allen, Cely, Emily, Henrietta and Elsy Haithcock, or such of them as may survive, and their heirs forever.

A. D. 1870.

Grantee.

SEC. 2. That Hampton Haithcock, the trustee aforesaid, shall have, and is hereby invested with full power and authority to sell, bargain, and convey, or partition the said land for the benefit of the said children of Isaac Haithcock, deceased, share and share alike of the land, or proceeds of its sale, whenever the said children, or such portion of them as survive, may unite and agree in requesting him so to do; and, until such division, the said land shall be a homestead for the said Hampton Haithcock, uncle of said children, and such of the said children as may desire to to live on the same.

Powers of Trustee.

Approved February 28, 1870.

AN ACT TO PROVIDE FOR THE CARE OF THE POOR.

No. 261.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, It shall be the duty of the County Commissioners of each County in this State, in pursuance of the authority conferred upon them in Section 14 of an Act entitled "An Act to define the jurisdiction and duties of County Commissioners," passed the twenty-sixth day of September, 1868, to provide, as soon as practicable after the passage of this Act, in their County, such buildings as may be needed for the accommodation of the poor of said County; said buildings shall have connected with them sufficient tillable land to give employment to such persons, able to work, as may come upon the County for support; and said buildings and land shall be known as the Poor House and Farm of said County.

County Commissioners.

Accommodation.

SEC. 2. The County Commissioners shall, until otherwise provided by law, be Overseers of the County Poor House and Farm, and shall have power and authority to make all necessary rules and regulations for the government of the same, and to appoint a Superintendent, with such assistants as may be needed. They shall also have the power, and it shall be their duty, to provide such employments as will be best suited to the inmates of the Poor House; and to see that every such poor person, able to work, is employed at some kind of labor; and to dispose of all

Overseers.

Powers and duties.

A. D. 1870.

Proviso.

articles manufactured, and all produce raised on said farm, in such manner as may be most profitable: Provided, That the proceeds accruing from sales of produce, from rents or other sources, shall be faithfully appropriated to the support of the poor in said County: And provided, further, That no unusual or cruel punishment shall ever be allowed in any poor house in this State.

Legal settlements.

SEC. 3. Legal settlements may be acquired in any County, so as to oblige such County to relieve and support the persons acquiring the same, in case they are poor and stand in need of relief, in the manner following, namely:

Married women.

1st. A married woman shall follow and have the settlement of her husband, if he has any within the State; otherwise, her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage.

Legitimate children.

2d. Legitimate children shall follow and have the settlement of their father, if he has any within the State, until they gain a settlement of their own; but if he has none they shall, in like manner, follow and have the settlement of their mother, if she has any.

Illegitimate children.

3d. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then has any within the State; but neither legitimate or illegitimate children shall gain a settlement by birth in the County where they may be born, if neither of their parents then has a settlement therein.

Persons twenty-one years of age.

4th. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, who has lived for three successive years in any County, and who has during that time maintained himself and family, shall be held to have acquired a legal settlement therein.

Duties of Overseers.

SEC. 4. It shall be the duty of the County Commissioners of each County in this State to appoint, annually, one or more persons who shall be known as the Overseers of the Poor in the County. It shall be the duty of said Overseers to look after and care for the indigent, old and infirm, and all other destitute persons within the limits of the County, and said Overseers shall have authority to send any poor person who may become a charge upon the County, to the County Poor House, subject to such conditions as may be established by the County Commissioners.

Neglect.

SEC. 5. If the Overseers of the Poor of any County shall refuse or neglect to provide for any poor person who shall ask for relief, or who shall be reported to them as needing and entitled to receive relief, it shall be the duty of the County Commissioners of said County, and they shall have the power, after investigation, either upon the complaint of the person asking relief, or upon the complaint of any resident of said County, to commit such poor person to the County Poor House.

Poor of other Counties, &c.

SEC. 6. The Overseers of the Poor, in their respective cities or Counties, shall provide for the immediate comfort and relief of all persons residing or found therein, having lawful settlements in other places, when they fall into distress and stand in need of immediate relief, and until they are removed to the city or County of their lawful settlement; the expenses whereof, incurred within three months next before notice is given to the place to be charged, as also of their removal, or burial, in case of their death, may be recovered by the city or County incurring the same,

against city or County liable therefor in an action at law, to be instituted within two years after the cause of action arises, but not otherwise.

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SEC. 7. The Overseers of the Poor of any city or County may send a written notification, stating the facts relating to any person actually become chargeable thereto, to one or more of the Overseers of the city or County where his settlement is supposed to be, and requesting them to remove him, which they may do by a written order directed to any person therein designated, who may execute the same.

Notification.

SEC. 8. If such removal is not effected by the last mentioned Overseers within one month after receiving the notice, they shall, within the said one month, send to one or more of the Overseers, requesting such removal, a written answer, signed by one or more of them, stating therein their objections to the removal; and if they fail to do so, the Overseers who requested the removal may cause the pauper to be removed to the city or County of his supposed settlement, by a written order, directed to any person therein designated, who may execute the same; and the Overseers of the city or County to which the pauper is so sent shall receive and provide for him; and such city or County shall be liable for the expenses of his support and removal, to be recovered in an action by the city or County incurring the same, and shall be barred from contesting the same question of settlement with the Plaintiff in such action.

Removal of poor of other Counties, &c.

SEC. 9. The notification and answer mentioned in the two preceding Sections may be sent by mail; and such notification or answer, directed to the Overseer of the Poor of the city or County intended to be so notified or answered, postage prepaid, shall be deemed a sufficient notice or answer, and shall be considered as delivered to the Overseer to whom it was directed at the time when it is received at the post office of the city or County to which it is directed, and in which the Overseer resides: Provided, That said letter of notification be registered.

Notification how sent.

SEC. 10. Whoever brings into and leaves any poor and indigent person in any city or County in this State, wherein such pauper is not lawfully settled, knowing him to be poor and indigent, and with the intent to charge such city or County with his relief or support, shall forfeit a sum not exceeding one hundred dollars for each offence, to be recovered in any proper action, to the use of such city or County.

SEC. 11. The County Commissioners shall have the power, if the convenience or necessities of their County demands it, to establish additional poor farms in said County: Provided, That when such additional poor farms are established, they shall be located in portions of said County where they will be most convenient to the people at large.

Establishment of additional poor farms.

SEC. 12. The city authorities of Charleston and Columbia shall be allowed, and it shall be their duty, to provide for the care of the poor within the limits of their respective cities; and the County Commissioners of Charleston and Richland Counties shall, when they levy a general poor tax for said Counties, except from the payment of the same the said cities of Charleston and Columbia: Provided, That the aforesaid authorities of the cities of Charleston and Columbia shall have made adequate provision for the support of their poor.

Charleston and Columbia

SEC. 13. The Overseers of the Poor of each City and County in this State shall, on or before the fifteenth day of October of each year, make and return to the Secretary of State a statement of the paupers in each City or County as they were during the year ending the thirtieth

Overseer to make returns to Secretary of State.

A. D. 1870.

Nature of
return.

day of September preceding, which return shall contain true and correct answers to the following inquiries: What number of persons have been relieved or supported by your County (or City) during the year ending September 30th? Of those, how many have a legal settlement in your County or city? How many are foreign born? How many colored? How many white? How many of your insane do you support in the State Lunatic Asylum? Have you a poor house? What number of acres of land is attached to your poor house? What is the present estimated value of your poor house establishment? Real estate? Personal? What number of persons have been supported in your poor house during the whole or any part of the year? What is the average number supported in the poor house? What is the average weekly cost of supporting each pauper in the poor house? What number of persons have been inmates of your poor house who are unable to perform any kind or amount of labor? What is the estimated value of all the labor performed by the poor in your poor house? What was the kind and quantity of crops raised on the poor farms? The value of that sold? The estimated value of that retained for use on the farm? How many persons, including their families, have you supported out of the poor house during the whole or a portion of the year? What is the average weekly cost of supporting each pauper out of the poor house? How many have you aided out of the poor house? How many have you relieved or supported who were insane? How many who were idiots? What number of your poor, supported at the public charge, have been made dependent by intemperance in themselves? What number by intemperance in those who ought to have been their supporters? What is the total net cost of (supporting or) relieving the poor in your County or City during the year, including interest on your poor house establishment? How many are supported in your poor house at the present time? How many are supported out of the poor house at the present time? How many are assisted out of the poor house at the present time? They shall, at the same time, make correct returns of all children in such County or City, under fourteen years of age, who are supported at the public charge, specifying therein the name, age, sex and color of each. And the Secretary of State shall furnish County Commissioners of every County and the Overseers of the Poor of each City in the State with blank forms of returns, which shall contain, in substance, the foregoing interrogatories.

Poor chil-
dren.Secretary of
State to make
abstract of re-
turns to Gen-
eral Assem-
bly.Oconee and
Pickens.

SEC. 14. The Secretary of State shall, on or before the fourth Tuesday in November of each year, make out an abstract of the returns made to him, together with such explanatory remarks as he deems proper, and, through the Governor of the State, transmit the same to the Legislature.

SEC. 15. The County Commissioners of the Counties of Oconee and Pickens, comprising the Territory formerly known as Pickens District, are authorized, after due notice by advertisements, to sell at public sale the old Poor House farm of that District, and are empowered to execute the title to the purchaser. The proceeds of said sale shall be divided equally between the Commissioners of the two Counties, and be applied by them to the support of the poor.

SEC. 16. All Acts or parts of Acts inconsistent with, or supplied by, this Act are hereby repealed.

Approved February 28, 1870.

AN ACT TO RE-CHARTER RANTOWLE'S BRIDGE.

A. D. 1870.

No. 262.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Rantowle's Bridge, over the Stono River, in St. Paul's Parish, Colleton County, be, and the same is hereby, re-chartered, and vested in Elizabeth S. Messervey, wife of Laurence J. Messervey, and the heirs of her body, not to be subject to the debts, contracts or engagements of her husband, for the term of fourteen years, with the same rate of toll heretofore allowed by law: Provided, That voters going to and from the polls on election day, children going to and from school, and militiamen going to and from either regimental or company musters, shall be passed free of tollage: Provided, further, That this charter shall be subject to the conditions, modifications or repeal, made by the General Assembly at any time.

Term.

Proviso.

Approved February 28, 1870.

AN ACT TO LIMIT THE COST OF CRIMINAL PROSECUTIONS.

No. 263.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That in no case shall the fees of more than three witnesses be taxed against the State in the examination of criminal cases, before Trial Justices' or Magistrates' Courts, unless their materiality and importance shall first be certified to by the Solicitor for the Circuit in which the examination shall take place.

Magistrates' fees—how paid

SEC. 2. No Trial Justice or Magistrate shall be paid fees for binding over more than three witnesses, in any one criminal case, to appear before the Court of General Sessions, unless the Solicitor for the Circuit shall certify their materiality and importance.

Approved February 28, 1870.

AN ACT TO PROVIDE FOR THE FORMATION OF RELIGIOUS, CHARITABLE AND EDUCATIONAL ASSOCIATIONS.

No. 264.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Seven or more persons, within this State, having associated themselves, by agreement in writing, for educational, charitable, or religious purposes, under any name by them assumed, and complying with the provisions of this Act, shall, with their successors, be, and remain, a body politic and corporate.

Agreement.

SEC. 2. The purpose of such corporation, and the place within which it is established or located, shall be distinctly specified in its articles of association, which articles, and all amendments thereto, shall be recorded in the office of the Register of Deeds for the County wherein such place is situated, and such corporation shall appropriate its funds to no other purpose.

To state purpose & place.

To be filed with Register of Deeds.

A. D. 1870.
Powers, priv-
ileges, &c.

SEC. 3. Corporations organized under this Act shall have the powers, privileges, and be subject to the duties, liabilities and restrictions set forth in the Act to provide for the formation of corporations, so far as the same may be applicable.

Property.

SEC. 4. Such corporations may hold real and personal estate, necessary for the purposes of their organization, to an amount not exceeding one hundred thousand dollars.

Taxation.

SEC. 5. Their estate shall not be exempted from taxation in any case where part of the income or profits of their business is divided among members or stockholders, or where any portion of such estate is used or appropriated for other than educational, charitable or religious purposes.

Approved February 28, 1870.

No. 265. AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES IN COUNTY OFFICES.

Governor au-
thorized to
appoint.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, in the event that a vacancy shall at any time occur in any of the offices in any County of this State, whether from death, resignation, disqualification, or other cause, the Governor shall have full power to appoint some suitable person, who, upon duly qualifying according to law, shall be entitled to enter upon and hold the office to which he has been appointed for the unexpired term of the former incumbent, and shall be subject to all of the duties and liabilities incident to said officer, during the term of his service in said office: Provided, That no such unexpired term for which an appointment is made shall, in any case, exceed one year.

Term of office

Approved February 28, 1870.

No. 266. AN ACT TO INCORPORATE THE CHARLESTON BANKING AND TRUST COMPANY.

Corporators.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Robert Benson, Charles Bush, C. C. Leary, John Berry, D. D. Leary, and such other persons as may hereafter be associated with them, and their successors and assigns, are hereby constituted a body corporate, under the name of the Charleston Banking and Trust Company, and by that name shall have succession, and may sue or be sued in any Court whatever, with such powers and privileges as are hereinafter provided.

Capital stock.

SEC. 2. That the capital stock of said Company shall not exceed two million (2,000,000) dollars, divided into shares of one hundred (100) dollars each; but when \$100,000 thereof shall have been actually subscribed and paid in, in cash, the said Company may organize and proceed to business under this Act.

SEC. 3. That the said Company shall have power to make advances to Planters for the purpose of developing the Agricultural interests of the State, upon loans, mortgages, or part interest in the crops to be raised, to receive deposits of money and other valuables, and issue receipts for the same, to buy and sell bonds, bills of exchange and promissory notes, and advance and loan moneys, securities and credits, and may charge and receive, in addition to interest, such a commission on advances of money and negotiating loans as may be agreed upon between said Company and the party or parties buying or selling such bonds, bills of exchange and promissory notes, or borrowing or receiving such moneys, securities or credits; and such commissions or interest may be made payable in money, or in a share of the products or profits of the property given or pledged as security for such loan and advances, or partly in money and partly in a share of such products or profits, without creating any partnership or joint liability between said Company and said party or parties; and the said Company shall have power to take and hold as security for, or in payment of, any loans or advances made, mortgages or other instruments, or obligations upon or affecting real, personal or mixed property, and may cancel or assign the same; and said Company shall have power to purchase, hold, sell, exchange and convey lands, or other property, of any nature, and may execute and issue all such receipts, certificates, contracts or other instruments, as may be necessary for the transaction of its business. Said Company may, at their discretion, guarantee the payment of the principal or interest, or both, on any notes, bonds, bills of exchange, or other evidence of individuals or bodies corporate, and may receive such compensation therefor as may be agreed upon between the parties.

A. D. 1870.

Issue bonds,
&c.

Loans.

Mortgages
and other in-
struments.

SEC. 4. That the said Company shall have power to receive moneys in trust or on deposit, and to invest or accumulate the same at such rate of interest as may be agreed on, or to allow such interest thereon as may be agreed on; shall have power to accept and execute all such trusts of every description as may be committed to them by any person or persons whomsoever, or any corporation, or may be committed or transferred to them by order of any Court; and shall have power to take and accept by grant, assignment, transfer, devise, or bequest, and hold any real or personal estate on trust created in accordance with the laws of this State, and execute in such legal trusts in regard to the same, on such terms as may be declared established or agreed upon in regard thereto.

Moneys in
trust or on de-
posit.

SEC. 5. That the business and corporate powers of said Company shall be exercised by a Board of not less than five Directors, who shall elect from their number a President, and may declare by by-laws what number of Directors shall be a quorum for the transaction of business.

Board of Di-
rectors—quo-
rum.

SEC. 6. That Robert Benson, Charles Bush, C. C. Leary, John Berry, D. D. Leary, named in the first Section of this Act, or any two or more of them, shall be, and they are hereby, appointed Commissioners, to open books for subscription to the capital stock of said Company, at such times and places, and for such amounts as they, or a majority of them, shall deem proper, but for no less amount of subscription than one hundred thousand (100,000) dollars, as hereinbefore provided. The Directors of said Company shall be elected by a majority in interest of the stockholders of said Company voting at an election to be held under the inspection of said Commissioners, at such place as they may designate, within twenty days from the closing of the subscription called for by them, and

Commission-
ers to receive
subscriptions

Amount.

Election of
Directors.

A. D. 1870.

on the first Monday in February in every year thereafter; and if there should be no election of Directors at any annual meeting, as hereinbefore directed, the Directors then in office shall continue until the next election, in which the majority of the stock shall be represented.

Principal office.

SEC. 7. That the principal office of this Company shall be located in the city of Charleston; that the Board of Directors shall have power to establish agencies for the transaction of the business of said Company, at any place they may think proper, and to appoint all such agents, officers or employees as may be considered necessary, and may delegate power to transact any of its business to Committees or Directors, or to its officers or agents, as it shall deem proper; and said Board of Directors may, by a majority of their whole number, make such by-laws as may be deemed necessary for the management of the property, the government of the officers, and the regulation and conduct of the affairs of said Company; and may adopt a corporate seal, and change the same at pleasure.

Agencies.

By-laws.

Proceedings recorded.

SEC. 8. That the minutes of the proceedings of the Board of Directors shall be kept, and the same shall be entered in a book for that purpose, and signed by the President, or acting Chairman or Secretary. Stockholders shall be entitled to certificates of their respective shares of capital stock, which shall be transferable, as provided in such certificates; and the Board of Directors shall cause suitable books for the registry and transfer of such shares to be kept, and every such transfer, to be valid, shall be made in such books, and signed by the shareholder, or his or her attorney, duly authorized, in writing, and the Board of Directors may close the transfer books from time to time, as the convenience of the Company may require.

Shares transferable.

SEC. 9. That the Board of Directors, out of the funds of said Company, shall defray its expenses and pay its debts, and may declare and pay out of the surplus net profits of its business, to its shareholders, or their duly authorized attorneys, such dividends as they shall deem expedient.

Increase of capital stock.

SEC. 10. That the capital stock of said Company may, at any time, be increased to any amount not exceeding in the aggregate two million (2,000,000) dollars, by the addition of new shares of one hundred (100) dollars each, duly subscribed for, and paid in, in such manner, and upon such terms as the Board of Directors shall prescribe: Provided, That such increase shall have been first authorized by the votes of a majority in interest of the stockholders.

Liabilities.

SEC. 11. That the stockholders of this Company shall be liable for the debts and obligations of the Company to the extent of double the amount of stock held by them.

SEC. 12. That this Act shall take effect immediately upon its passage, and shall continue in force for twenty-one years.

Approved February 28, 1870.

No. 267. AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRIAL JUSTICES.

Governor to appoint.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor, by and with the

advice and consent of the Senate, shall, from time to time, appoint and commission in the several Counties of the State, a suitable number of Trial Justices.

A. D. 1870.

SEC. 2. Such Trial Justices shall be distributed as the convenience of the several Counties requires, and the number in commission shall not exceed, in Abbeville, nine; Anderson, sixteen; Barnwell, ten; Beaufort, ten; Charleston, twenty-four; Chester, eight; Clarendon, six; Colleton, ten; Chesterfield four; Darlington, eight; Edgefield, eight; Fairfield, eight; Georgetown, five; Greenville, eight; Horry, six; Kershaw, six; Lancaster, four; Laurens, five; Lexington, seven; Marion, six; Marlboro, six; Newberry, seven; Oconee, five; Orangeburg, seven; Pickens, five; Richland, eight; Spartanburg, twelve; Sumter, eight; Union, eight; Williamsburg, eight; York, eight.

Number of
Justices for
the several
Counties.

SEC. 3. Trial Justices shall be commissioned and hold their offices for the term of two years, unless sooner removed by the Governor. If a Trial Justice changes his domicil, and removes therefrom the distance of three miles, his authority and jurisdiction as such Justice shall thereupon cease, and another Trial Justice may be designated and appointed in his place.

Term of office

Change of
domicil.

SEC. 4. The Governor is authorized to suspend from his office, for such causes as to him shall seem just, any Trial Justice, and to designate another person to perform the duties of such suspended officer, (who, in turn, may be removed and another designated,) and he shall report such suspension to the Senate, together with the name of the person designated by him to perform the duties of such suspended officer; and if the Senate confirms the person so designated, the officer suspended shall be regarded as removed, and the vacancy duly filled; but if the Senate refuses to confirm him, the suspended officer shall be restored to his office.

Governor to
remove.

Confirma-
tion of remo-
val by Senate.

SEC. 5. This Act shall take effect on and after the first day of May next, but the Trial Justices herein provided for may be appointed and commissioned prior to that time, to enter upon their duties on and after that day; and on and after the said first day of May the office of Magistrate is and shall be abolished.

Office of Mag-
istrates abol-
ished.

SEC. 6. That during the vacation of the Senate, the Governor is authorized to appoint Trial Justices, subject to the approval of the Senate, to act, unless sooner removed by him, till the end of the next session. If not approved by the Senate, said appointments shall cease at the end of the said session.

Approved February 28, 1870.

AN ACT TO PROVIDE FOR AN ASSESSMENT OF REAL PROPERTY IN THE YEAR 1870. No. 268.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an assessment of the real property in this State shall be made in the year one thousand eight hundred and seventy, at the same time that the assessment of personal property is made, and in the manner, and according to the rules prescribed for the

A. D. 1870.

State Audi-
tor to carry
into effect.

assessment of real property in the Act to provide for the assessment and taxation of property, passed the fifteenth day of September, 1868.

SEC. 2. The State Auditor is hereby authorized and directed to adopt the measures necessary to carry out the intent of this Act, and to exercise, for the purpose of making and completing the assessment provided for in this Act, all the powers relating to the assessment of real property conferred upon him by the Act to provide for the assessment and taxation of property before cited.

Approved February 28, 1870.

No. 269. AN ACT TO INCORPORATE THE PLYMOUTH CONGREGATIONAL CHURCH,
OF CHARLESTON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That P. M. Mazyck, W. J. Brodie, Thomas Cole, F. L. Cardozo, and all persons who now are, or who hereafter shall or may become members of the said society, shall be, and they are hereby, incorporated and declared to be a body corporate, by the name and style of the "Plymouth Congregational Church, of Charleston," and by that said name shall have succession of officers and members, and have a common seal.

Capital stock. SEC. 2. That the said corporation shall have power to purchase, receive and possess any real or personal estate, for the purposes of this Act, not exceeding in value the sum of fifty thousand dollars, or to sell the same; and by its corporate name to sue and be sued in any Court in this State, and to make such rules and by-laws (not repugnant to law) as may be thought necessary and expedient. Said society shall have all the powers, Powers, &c. and be subject to all the liabilities and restrictions, of the Act to regulate the formation of corporations, so far as applicable.

SEC. 3. That this Act be deemed a public Act, and shall continue in force for the term of twenty-five years.

Approved February 28, 1870.

No. 270. AN ACT GIVING AUTHORITY TO THE CITY COUNCIL OF CHARLESTON
TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO AID IN
REBUILDING THE BURNT DISTRICTS AND WASTE PLACES IN THE
CITY OF CHARLESTON."

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That authority is hereby given to the City Council of Charleston to amend an Ordinance entitled "An Ordinance to aid in rebuilding the burnt districts and waste places in the City of Charleston," ratified the twenty-eighth day of August, in the year one thousand eight hundred and sixty-six, which said Ordinance was confirmed and ratified by an Act of the General Assembly, passed

September the nineteenth, in the year one thousand eight hundred and sixty-six, in any manner not inconsistent with the provisions of an Act entitled "An Act to repeal an Ordinance entitled 'An Ordinance to prevent the erection of wooden buildings, and to provide greater security against fires,'" and also certain portions of the Acts of the General Assembly referring to the erection of wooden buildings in the City of Charleston, passed in the year of our Lord one thousand eight hundred and seventy, and also such Sections of an Act of the General Assembly entitled "An Act for rebuilding the City of Charleston," as prohibit the erection of wooden buildings within the corporate limits of the said City of Charleston.

Approved February 28, 1870.

A. D. 1870.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FIX THE SALARY AND REGULATE THE PAY OF CERTAIN OFFICERS," RATIFIED THE 26TH DAY OF SEPTEMBER, 1868. No. 271.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of the above Act as fixes the salary of the Secretary of State at "three thousand dollars, the same to include Clerk's salary," be amended by striking out between the words "dollars and Clerk's" the words "the same to include," and inserting in lieu thereof the following, to wit: "and one thousand dollars," so as to read as follows, viz: "The Secretary of State shall receive an annual salary of three thousand dollars, and one thousand dollars Clerk's salary."

Secretary of
State
Clerk.

SEC. 2. This Act shall take effect immediately after its passage.

Approved February 28, 1870.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE PORT ROYAL RAILROAD COMPANY," RATIFIED DECEMBER TWENTY-FIRST, A. D. ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN. No. 272.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section five of an Act entitled "An Act to charter the Port Royal Railroad Company," ratified December twenty-first, A. D. one thousand eight hundred and fifty-seven, be, and the same is hereby, amended by adding thereto the following words: "And the said Port Royal Railroad Company shall have power to mortgage its property and franchises, (including the privilege to be a corporation,) and issue bonds at such rates of interest, and upon such terms and conditions, and for such uses and purposes of said corporation, as the Board of Directors thereof may deem expedient."

Additional
privileges.

SEC. 2. That the time for the completion of said Railroad is hereby extended to August first, eighteen hundred and seventy-one: Provided, Fifty miles are completed from the town of Beaufort, on or before January first, eighteen hundred and seventy-one; and when so completed

Time of com-
pletion.

A. D. 1870.

the charter of said Company shall be deemed and held to be, and hereby is, extended for an additional period of fifty years: Provided, That the property of said corporation shall always be subject to taxation.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act be, and are hereby, repealed.

Approved February 28, 1870.

No. 273. AN ACT TO FURTHER DETERMINE AND PERPETUATE THE HOMESTEAD.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That whenever the personal property of the head of any family, residing in this State, is taken or attached by virtue of any mesne or final process issued from any Court, and said person shall claim the said property, or any part thereof, as exempt from attachment by the provisions of Section 32 of Article II of the Constitution, whether the said person owns a homestead of real estate or not, it shall be the duty of the officer executing the said process to cause to be laid off and appraised such property as the said person may select, consisting of such articles as are enumerated in the Constitution, in the same manner as is prescribed in the Act of the General Assembly entitled "An Act to determine and perpetuate the homestead," ratified the ninth day of September, 1868, not to exceed in value the aggregate sum of five hundred dollars.

Officer to lay
off and ap-
praise.

SEC. 2. That the products of agricultural laborers, mechanics, artisans and tradesmen of every description, shall be subject to like exemption as above stated, without regard to valuation, character or condition of products or earnings.

Approved March 1, 1870.

No. 274. AN ACT PROHIBITING THE PEDDLING OF ARDENT SPIRITS THROUGHOUT THE STATE.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act it shall not be lawful for any person, or persons, to peddle ardent spirits in any County in this State.

Prohibition.

SEC. 2. That any person, or persons, violating this Act, on proof to conviction, shall be deemed guilty of a misdemeanor, and subject to pay a fine of not more than five hundred dollars, or imprisonment for not more than one year, or both such fine and imprisonment, in the discretion of the Court; and everybody so convicted shall forfeit all such spirits, the same to vest in the County; and if the fine be paid, or the spirits forfeited, one-half thereof shall be paid to the informer.

Penalty.

Approved March 1, 1870.

AN ACT TO GRANT TO CERTAIN PERSONS THEREIN NAMED, AND THEIR ASSOCIATES, THE RIGHT TO DIG AND MINE IN THE BEDS OF THE NAVIGABLE STREAMS AND WATERS OF THE STATE OF SOUTH CAROLINA FOR PHOSPHATE ROCKS AND PHOSPHATIC DEPOSITS.

A. D. 1870.

No. 275.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State of South Carolina does hereby give and grant to the following persons, to wit: Geo. W. Williams, Chas. C. Coe, Jas. H. Taylor, Jos. R. Robertson, Edwin Platt, Wm. L. Bradley, Jas. Bridge, Jr., Wm. Birnie, and such other persons as they may associate with them, the right to dig, mine and remove, for the full term of twenty-one years, from the beds of the navigable streams and waters within the jurisdiction of the State of South Carolina, the phosphate rocks and phosphatic deposits: Provided, That the persons named, and their associates, shall not in any way interfere with the free navigation of the navigable streams and waters of the State, or the private rights of any citizen or citizens residing upon or owning the lands upon the banks of the said navigable rivers and waters of the State.

Corporators.

Powers.

Proviso.

SEC. 2. That this gift and grant is made upon the express condition that said grantees shall pay to the State of South Carolina the sum of one dollar per ton for every ton of phosphate rock and phosphatic deposits dug, mined and removed from the said navigable rivers and waters of the State: And, further, That said grantees shall pay into the Treasury of the State the sum of five hundred dollars as a license fee before commencing business under said grant.

Conditions.

SEC. 3. Before commencing operations under authority of this Act, said grantees, and their associates, shall file, or cause to be filed, in the office of the State Auditor a bond in the penal sum of fifty thousand dollars, conditioned that said grantees, and their associates, shall make true and faithful returns to said State Auditor, annually, on or before the first day of October, and oftener, if required by the said State Auditor, of the number of tons of phosphate rocks and phosphatic deposits dug, mined and removed by them from the beds of the navigable streams and waters of the State, and shall punctually pay to the State Treasurer, annually, on the first day of October, one dollar per ton for every ton of phosphate rocks and phosphatic deposits by them dug, mined and removed from the beds of the navigable streams and waters of the State during the year preceding, said bond to be renewed annually, and approved by the Attorney-General. The books of said grantees and their associates, shall be opened to the inspection of the State Auditor, or agent duly appointed by him for that purpose.

Bond.

To make returns to Auditor.

Auditor to inspect books

Returned to the Senate with the objections of His Excellency the Governor, Tuesday March 1st, 1870.

—
IN THE SENATE, March 1st, 1870.

On the question "Shall this Act pass and become a law, the objections of His Excellency the Governor to the contrary notwithstanding," the

A. D. 1870.

yeas and nays were ordered (in accordance with Article 3, Section 22, of the Constitution,) the Act passed by *viva voce* vote, yeas, 19; nays, 5; and was ordered to be sent to the House of Representatives.

By order:

(Signed)

J. WOODRUFF,
Clerk of the Senate.

IN THE HOUSE OF REPRESENTATIVES, March 1st, 1870.

On the question, "Shall this Act pass, the objections of His Excellency the Governor to the contrary notwithstanding?" the yeas and nays were ordered, (in accordance with Article 3, Section 22, of the Constitution,) the Act passed by *viva voce* vote, yeas, 77; nays, 24, and ordered to be returned to the Senate.

By order:

(Signed)

A. O. JONES,
Clerk of the House of Representatives.

No. 276. AN ACT RELATIVE TO THE POWER OF THE CITY COUNCIL OF CHARLESTON TO IMPOSE PUNISHMENTS FOR THE VIOLATION OF CITY ORDINANCES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston be, and they hereby are, authorized to impose, for the violation of Ordinances, imprisonment in the Work House or Jail not exceeding thirty days, in addition, or, in the alternative, to penalties now authorized to be imposed by Ordinances of said city.

SEC. 2. That the Police Court, the City Court of Charleston, and Trial Justices residing within the limits of the City of Charleston, are vested with jurisdiction to try, determine and impose the penalties authorized by Ordinance of the City Council of Charleston, pursuant to this Act: Provided, That whenever a jury is demanded by a party charged before the Police Court, he shall be transferred to the City Court or a Trial Justice for trial.

Approved March 1, 1870.

No. 277. AN ACT TO MAKE APPROPRIATIONS AND RAISE SUPPLIES FOR THE FISCAL YEAR COMMENCING NOVEMBER 1ST, 1869.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

For Salaries.

A. D. 1870.

Salaries of
State & County
Officers.

For the Governor, three thousand five hundred dollars; for the Secretary of State, three thousand dollars; for completing the index to the records of the office of the Secretary of State, two thousand dollars; for Clerk to Secretary of State, one thousand dollars; for the Private Secretary of the Governor, two thousand dollars; for the Adjutant and Inspector-General, twenty-five hundred dollars; for the Assistant Adjutant and Inspector-General, fifteen hundred dollars; for the Comptroller-General, three thousand dollars; for Clerk to the Comptroller-General, one thousand dollars; for the State Treasurer, twenty-five hundred dollars; for the Chief Clerk to the State Treasurer, eighteen hundred dollars; for a book keeper for State Treasurer, eighteen hundred dollars; for the Auditor of the State, twenty-five hundred dollars; for the State Auditor's Clerk, one thousand dollars; for the Superintendent of Education, twenty-five hundred dollars; for the Clerk to the Superintendent of Education, eight hundred dollars; for the Chief Constable, fifteen hundred dollars; for the Chief Justice of the Supreme Court, four thousand dollars; for the two Associate Justices, seven thousand dollars; for the eight Circuit Judges, twenty-eight thousand dollars; for the eight Circuit Solicitors, eight thousand dollars; for the Attorney-General, three thousand dollars; for the Attorney-General's Clerk, one thousand dollars; for the Clerk of the Supreme Court, who shall perform the duties of Librarian of said Court, fifteen hundred dollars; for the State Reporter, fifteen hundred dollars; for the Keeper of the State House and State Librarian, seven hundred dollars; for the Superintendent of the South Carolina Penitentiary, two thousand dollars; for the three Health Officers, three thousand nine hundred dollars; for the Watchmen of the State House and Grounds, six hundred dollars each; for the County Auditors, thirty-one thousand five hundred dollars; for Clerk to the Auditor of the County of Charleston, one thousand dollars; for the three Code Commissioners, ten thousand five hundred dollars; for the Governor's Messenger, three hundred dollars; for the Land Commissioner, two thousand dollars; for the County School Commissioners, thirty-one thousand five hundred dollars; for the Commissioner of the Bureau of Agricultural Statistics, fifteen hundred dollars.

Executive Department.

SEC. 2. For contingent fund of the Governor, twenty-five thousand dollars, out of which shall be paid the expenses of the Bureau of Agricultural Statistics, to be drawn upon the order of the Governor; for the contingent fund of the Treasurer, one thousand dollars; for the contingent fund of the Comptroller-General, one thousand dollars; for the contingent fund of the Attorney-General, one thousand dollars; for the contingent fund of State Auditor, one thousand dollars; for the contingent fund of the Adjutant and Inspector-General, twenty-five hundred dollars; for the contingent fund of the Superintendent of Education, one thousand dollars; for the contingent fund of the Secretary of State, one thousand dollars; for the contingent fund of the Chief Constable, five hundred dollars; for the contingent fund of the State Librarian, three hundred dollars.

Contingent
Funds: Exec-
utive Depart-
ment.

A. D. 1870.

The above appropriations to be drawn on the order of the heads of the several departments, if so much be necessary.

Judiciary Department.

Judiciary Department.

SEC. 3. For the purchase of books for the Supreme Court Library, five thousand dollars, if so much be necessary, to be drawn on the order of the Chief Justice; for contingent expenses of the Supreme Court, under Section 7 of an Act ratified the eighteenth day of September, 1868, one thousand dollars.

Ordinary Civil Expenses.

Ordinary Civil Expenses.

SEC. 4. For contingent accounts for the expenses of the general election of 1870, fifteen thousand dollars, if so much be necessary, accounts to be audited by the State Auditor, and paid on the warrant of the Comptroller-General; for the support of the Lunatic Asylum, sixteen thousand dollars, to be drawn on the order of the Governor; for the support of the State Orphan Asylum, fifteen thousand dollars, to be paid in accordance with the law establishing the same; for Quarantine expenses, four thousand dollars, to be drawn on the order of the Comptroller-General, accounts to be first approved by the Governor; for the Physician of the Charleston Jail, one thousand dollars; transportation and clothing for discharged convicts, three hundred dollars; for the Catawba Indians, fifteen hundred dollars, to be paid on the order of the Governor; for the State Constabulary, thirty thousand dollars, if so much be necessary, to be paid on the order of the Governor; for contingent account of the State, including the payment of expenses of the General Assembly and printing, one hundred and twenty-five thousand dollars; also, the sum of thirteen thousand four hundred and fifty 24-100 dollars, to meet the deficiency in the Legislative appropriation for regular session of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine; the further sum of six thousand three hundred and forty 18-100 dollars, remaining undrawn, of the appropriation for the payment of the Special Session of 1868, can be applied, if necessary, for the payment of the above accounts. All payments to be made in the usual manner: Provided, That all contingent accounts be audited by the State Auditor, and paid on the warrant of the Comptroller-General.

Extraordinary Expenses.

Extraordinary Expenses.

SEC. 5. For continuing the construction of the South Carolina Penitentiary, eighty thousand dollars, to be paid on the order of the Governor; for repairs and extension of the buildings of the Lunatic Asylum, ten thousand dollars, to be paid on the order of the Governor, accounts to be approved by the Board of Regents; for repairs on the University buildings, ten thousand dollars, if so much be necessary, to be paid on the order of the Governor, accounts to be approved by the Board of Trustees; for the purchase of books for the Library of the University of South Carolina, two thousand five hundred dollars, the same to be expended under the direction of the Board of Trustees of the University; for building a vault to Comptroller-General's office, five thousand dollars, if so much be necessary, accounts to be approved by the Comptroller-General, and paid on the order of the Governor; for fitting up the New

State House, thirty thousand dollars, if so much be necessary, the contract to be awarded by the Governor and the Executive Committee appointed by the Joint Committee of the General Assembly, to invite proposals for the completion of the State House, the money for the payment of said work to be paid upon the order of the Governor; for the remodeling and repairs of the Governor's Mansion, five thousand dollars, to be paid on the order of the Governor; for payment of account of J. S. G. Richardson, for 114 copies of Richardson's Law, Equity and Law, and Equity Reports, agreeable to joint resolution authorizing the Secretary of State to purchase the same, approved March 26, 1869, eight hundred and seventeen dollars; for payment of accounts of Bryan & McCarter, for furnishing 100 copies of Richardson's 15th Volume Law Reports, and 100 copies of Richardson's 14th Volume Equity Reports, agreeable to joint resolution passed, eleven hundred dollars; for payment of salary due C. D. Melton, for services rendered the State as Solicitor of Northern Circuit, one thousand five hundred and seventy-five dollars; for payment of salary due J. Williman, for services rendered as Messenger of Court of Appeals in Charleston County, and Messenger and Librarian of the same, two hundred and eighty-seven 50-100 dollars.

A. D. 1870.

Educational Department.

SEC. 6. For the support and maintenance of free schools, fifty thousand dollars, in addition to the capitation tax: Provided, That said sum of fifty thousand dollars be apportioned among the several Counties of the State in proportion to their representation in the lower branch of the General Assembly: And provided, further, That each County shall be entitled to the amount of poll tax raised in said County; for the support of the South Carolina University, twenty-five thousand dollars, to be paid on the order of the Governor; for the education of the deaf, dumb and blind, eight thousand dollars, to be paid on the order of the Governor.

Educational Department.

Military Expenses.

SEC. 7. To defray the expenses of the enrollment, organization and equipment of the militia, fifty thousand dollars, to be disbursed by the Adjutant and Inspector-General, on the order of the Governor.

SEC. 8. For the payment of the interest on the public debt, three hundred and fifty thousand dollars.

Interest on Public Debt.

SEC. 9. That all taxes assessed and payable under this Act shall be paid in the following kind of funds, viz: Bills Receivable of the State, United States Currency, National Bank Notes, Gold or Silver Coin.

Taxes.

Approved March 1, 1870.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A LAND COMMISSIONER, AND TO DEFINE HIS POWERS AND DUTIES," AND FOR OTHER PURPOSES THEREIN MENTIONED.

No. 278.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

A. D. 1870.

Treasurer to
issue bonds to
the Advisory
Board.

and by the authority of the same, The Treasurer of the State is hereby authorized and directed to issue to the Land Commissioner bonds of the State, in the sum of five hundred thousand dollars, with coupons attached, if in the opinion of the Advisory Board so much be necessary, bearing six per cent. interest; the principal payable within twenty years, at the Financial Agency of this State in the City of New York; the bonds to be signed by the Governor and countersigned by the Treasurer of the State, and the coupons to be signed by the Treasurer of the State; which bonds shall be negotiated in such form and manner as the Advisory Board, by a majority of votes, shall determine. The faith and credit of the State is hereby pledged to the payment of the principal and interest of said bonds; and a sufficient amount of taxes is hereby levied to pay the interest accruing on said bonds annually.

Taxes.

Purchases—
how made.

SEC. 2. The Land Commissioner shall be subject to the action of a majority of the Board, and any purchase or sale of property made without their advice or consent shall not be valid.

SEC. 3. That no purchase shall be made without the certain knowledge of the Commissioner that he will be able to sell the same without delay.

SEC. 4. That all Acts or parts of Acts inconsistent with this Act be, and are hereby, repealed.

Approved March 1, 1870.

No. 279. AN ACT TO ENFORCE THE PROVISIONS OF THE CIVIL RIGHTS BILL OF THE UNITED STATES CONGRESS, AND TO SECURE TO THE PEOPLE THE BENEFITS OF A REPUBLICAN GOVERNMENT IN THIS STATE

Preamble.

Whereas, in this State the Government is a Democracy, the people ruling, and the government is also a Republican one, in which all things pertaining to the government are in common among all the people; and whereas, it follows that no person is entitled to special privileges, or to be preferred before any other person in public matters, but all persons are equal before the law; and whereas, these propositions lie at the very foundation of our policy, and the American people have embodied the same, in the most emphatic manner possible, in their organic and statute laws, and the same do by their sovereign will and pleasure sustain; and whereas, notwithstanding all these great and glorious facts, there are found some brutal, ill-disposed and lawless persons in the State who persist in denying and trampling upon the sacred rights of certain of the people; therefore,

Common car-
riers discrim-
inating on ac-
count of color,
&c.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, It shall not be lawful for any common carriers, or any party or parties engaged in any business, calling or pursuit, for the carrying on of which a license or charter is required by any law, municipal, State or Federal, or by any public rule or regulations, to discriminate between persons on account of race, color or previous condition, who shall make lawful application for the benefit of such business, calling or pursuit.

Assigning
special quar-
ters.

SEC. 2. Whoever, being a common carrier, under any public license, charter, rule or regulation, shall, by himself or another, wilfully assign

any special quarters or accommodations whatever to any passenger or person whom such common carrier may have undertaken to carry, or who shall, under any pretence, deny or refuse to any person lawfully applying for the same, accommodation equal in every respect to that furnished by him to any other person, for like compensation or reward, in a like case, having no regard to the persons *per se* who may be applicants therefor, shall, on conviction, be punished by a fine of one thousand dollars, and also by confinement at hard labor in the Penitentiary for five years; and if such fine be not paid, the convict shall be confined in the Penitentiary at hard labor, as aforesaid, for not less than six years.

A. D. 1870.

Penalty.

SEC. 3. Whoever, conducting or managing any theatre, or other place of amusement or recreation, by whatever name the same may be recognized, or however called or known, if such theatre or place be licensed or chartered, or be under any public rule or regulation whatever, shall wilfully make any discrimination against any person lawfully applying for accommodation in, or admission to, any such theatre or place, on account of the race, color, or previous condition of the applicant, or shall refuse or deny to any person lawfully applying therefor, accommodation equal in every respect to that furnished at such place for a like reward to any other person, on account of race, color or previous condition of the applicant therefor, shall, on conviction, be punished by a fine of one thousand dollars, and also imprisonment at hard labor in the Penitentiary for three years.

Theatres, &c.

Refusing admission or adequate accommodation.

Penalty.

SEC. 4. Whoever, not being the principal offender under Sections two and three of this Act, shall aid or abet in or about the commission of any of the offences therein mentioned, shall, on conviction, be punished by imprisonment at hard labor in the Penitentiary for three years, and no such convict shall ever vote or hold any office under any law of this State.

Aider and abettor.

SEC. 5. Every commander, conductor, manager or other person superintending or having charge of any vessel or vehicle, or any theatre or other place mentioned in this Act whatsoever, and as such having authority and power to order and manage affairs in or about the same, who shall suffer or permit to occur any violation of this Act which such commander, conductor, manager or person so superintending, and having such charge as aforesaid, can possibly prevent, shall be considered an aider and abettor in the commission of any such offence, and, on conviction, shall be subject to the penalties provided in Section four of this Act.

SEC. 6. Every corporation or party whatever, holding any charter or license under the authority of this State, who shall violate any of the provisions of this Act, shall thereupon be deemed and held to have committed an abuse of the franchises conferred by or under every such charter or license, and, on conviction, shall forfeit every such charter or license; and any party or parties who, having so forfeited any such charter or license as aforesaid, shall nevertheless presume to use or operate under or by virtue of the same, as well as every person who shall be found aiding any such party or parties thereabout, shall, on conviction, be punished by a fine of one thousand dollars or imprisonment in the Penitentiary for three years.

Corporations violating this Act.

Penalty.

SEC. 7. In every trial for violating any provisions of this Act, when it shall be charged that any person has been refused or denied admission to, or due accommodation in any of the places in this Act mentioned, on ac-

A. D. 1870.

Burden on
the defendant
party.

count of the race, color or previous condition of the applicant, and such applicant is a colored or black person, the burden shall be on the Defendant party, or parties, so having refused or denied such admission or accommodation, to show that the same was not done in violation of this Act.

SEC. 8. Every case arising under the first Section of this Act, and not provided for specifically in some succeeding Section, shall be prosecuted and decided in accordance with the general provisions of this Act.

Solicitors to
prosecute.

SEC. 9. The several Solicitors of this State are hereby specially charged to take care that this Act be promptly and rigorously enforced; and every such Solicitor who shall fail in any respect in the performance of his duty under the requirement in this Section contained, shall be deemed to have committed a misfeasance in office, and, on conviction, shall forfeit his office, and be incapable of holding office for five years, and shall also pay a fine of five hundred dollars, and, in every case in which any such Solicitor shall fail in his duty, as herein prescribed, the Attorney-General shall make the most effective prosecution possible against him on behalf of the State; and neither any Solicitor nor the Attorney-General shall settle or enter a *nol. pros.* in any case arising under this Act, except by the consent of the Court.

Failure to
prosecute.

The Attor-
ney General
to prosecute
Solicitor.

SEC. 10. All Acts and parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed.

SEC. 11. This Act shall take effect from and after its passage.

Approved March 1, 1870.

No. 280. AN ACT TO PROVIDE FOR A SINKING FUND, AND THE MANAGEMENT OF THE SAME.

Governor &
others to be
Commission-
ers.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, For the purpose of paying the present indebtedness of the State, and the interest thereon, and such further indebtedness as may hereafter be contracted by the State, the Governor, the Comptroller-General and the Attorney-General of the State, the Chairman of the Finance Committee of the Senate, and the Chairman of the Committee of Ways and Means of the House of Representatives, are hereby constituted Commissioners, to be known and designated as "The Commissioners of the Sinking Fund," to receive and manage the incomes and revenues hereafter set apart and applied to the Sinking Fund of the State.

Powers of
the Commis-
sioners.

SEC. 2. And it shall be the duty of said Commissioners to sell and convey, for and on behalf of the State, all such real or personal property, assets and effects belonging to the State as is not in actual public use, said sales to be made from time to time in such manner and upon such terms as they may deem most advantageous to the State. The proceeds of all such sales shall be set aside, and awarded to the Sinking Fund of the State. This Act shall not be construed to authorize the sale by the Commissioners of any property held in trust for a specific purpose by the State, or the property of the State in the phosphate rocks, or phosphatic deposits in the beds of the navigable streams and waters of the State.

Report to
the General
Assembly.

SEC. 3. The Commissioners shall annually report to the General Assembly the condition of the Sinking Fund, and all sales or other transac-

tions connected therewith; and all the revenues derived from such sales shall be applied to the extinguishment of the public debt, by investing the same in the public securities of the State. A. D. 1870.

Approved March 1, 1870.

AN ACT TO INCORPORATE THE "WILMINGTON AND CAROLINA RAILROAD COMPANY." No. 281.

Whereas, William T. Walters, Benjamin F. Newcomer and D. Willis James, for themselves, and as trustees for others, under decrees of sale made by the Courts of North Carolina and of South Carolina, for the purpose of foreclosing the various mortgages made by the Wilmington and Manchester Railroad Company, have become the purchasers of all and singular the estate, property and effects of said Company, including the entire line of railroad, the engines, rolling stock, machinery, machine shops, depots and other tangible property and effects heretofore belonging to said Company, together with all the rights, franchises and privileges of said Company connected with or relating to said railroad, or the construction, maintenance or use thereof, between its eastern terminus, at Wilmington, North Carolina, and its western terminus, at Kingsville, South Carolina; and

Whereas, the said William T. Walters, Benjamin F. Newcomer, D. Willis James and their associates, are desirous, by themselves, and such other persons as may be hereafter associated with them, to keep up, maintain, use and operate the aforesaid line of railroad as one single or entire corporation in the two States in which the same is located, and for this purpose it is necessary that they should be incorporated and become a body politic, with like powers, privileges and franchises in each of said two States of North Carolina and South Carolina:

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That, for the purpose set forth in the preamble hereto, William T. Walters, Benjamin F. Newcomer, D. Willis James and their associates, purchasers, as aforesaid, of the estate, property and effects of the Wilmington and Manchester Railroad Company, together with such other persons as may hereafter become associated with them as stockholders under the provisions of this Act, and their successors and assigns, are hereby constituted and declared to be a body politic, and incorporated by the name and style of the Wilmington and Carolina Railroad Company, or by such other name and style as a majority in interest of the persons who are purchasers, as aforesaid, may designate and adopt at their first meeting after the passage of this Act, of which name, if so designated and adopted, proper notices shall be duly filed within six months thereafter in the offices of Secretary of State of each of the States of North Carolina and South Carolina, and in the offices of the Clerks of the Superior Courts of each and every County in said two States in which any part of the railroad of said Company is or may be constructed. The capital stock of said corporation shall not exceed five millions of dollars, to be divided and held in shares of one hundred dollars each, and the corporators hereinbefore named, or otherwise

Preamble.

Corporators.

Name.

Notice to be filed in offices of Secretary of State of North Carolina and South Carolina, and Clerk Superior Courts.

Capital stock.

- A. D. 1870.** referred to, or a majority in interest of such corporators may, at any meeting held for that purpose, after twenty days' notice by advertising in such newspapers as may be designated by the corporators herein named, or a majority of them, of the time and place of such meeting, determine the number of such shares to be subscribed for as the present capital of said corporation, or as representing the present value of the estate, property and effects, purchased by them as aforesaid; and they may open books of subscription for the same at such times and places, and under such regulations and requirements as to them may seem best.
- Shares.**
- By-Laws.** SEC. 2. The stockholders of said corporation may make all such by-laws, rules and regulations, not inconsistent with the laws of the United States, and of the States of North Carolina and South Carolina, as shall be deemed necessary for the well ordering and conducting the affairs of the Company. They may prescribe the number of Directors, and the number and character of the officers of said corporation, the manner of their election, and the amount of their compensation, the term of their respective offices, the manner in which any Director or officer may be removed, and the mode of supplying any vacancy arising from any cause whatever, either among the Directors or officers of said Company.
- Officers.**
- Powers and franchises.** SEC. 3. The said corporation is hereby vested with all the rights, powers, privileges and franchises granted to the Wilmington and Manchester Railroad Company by the Act of the General Assembly of the State of North Carolina incorporating said Company, and ratified the 9th day of January, one thousand eight hundred and forty-seven, and by the Act of the General Assembly of the State of South Carolina, incorporating said Company, and ratified the 18th day of December, one thousand eight hundred and forty-six, subject, however, to all such limitations and restrictions as are in said Acts respectively contained; and said Acts incorporating said Wilmington and Manchester Railroad Company, except so far and in such respects as they are by this Act altered or amended, and except such provisions therein contained as may be considered as inapplicable and unnecessary in the organization of the corporation created by this Act, or in the management or direction of its affairs, shall be considered as setting forth and defining the chartered rights, powers, privileges and franchises of this corporation.
- Change of line—extent.** SEC. 4. The said corporation may alter or change the present line of the Railroad, purchased, as aforesaid, at such points along the line as may be deemed most judicious by the stockholders, and the said corporation shall have the right to extend said railroad, purchased, as aforesaid, to Columbia, with a branch to connect with a road to Millen, in the State of Georgia; and, in the event of a want of agreement with the owners of any lands through which said railroad, by reason of any such change, alteration or extension, will pass, as to the value of such lands; or, in event of such want of agreement with the owners of any lands which may be deemed necessary for the use or protection of such railroad, may take such lands at a valuation to be made in the same manner, and in all respects under like proceedings, regulations and restrictions as are prescribed and provided in the Act of the General Assembly of the State of South Carolina, passed September 22, 1868, and entitled "An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations, may be taken for the construction and uses of railways and other works of internal improvement."
- Branch.**
- Take lands at valuation.**

SEC. 5. The said corporation shall have power to borrow money, to issue bonds or other evidences of any indebtedness so created, and secure the payment of the same by mortgage of its property and effects, or otherwise; may lease or rent to any other corporation, or any person or persons, their line of railroad, for any term which may be agreed on, or may, in like manner, become the lessees of the railroad of any other Company, or may consolidate their line of railroad and their capital stock with the railroad and capital stock of any other railroad Company: Provided, however, That none of the powers granted in this Section shall be exercised, unless assented to by a majority in interest of the stockholders of said Company, in a general or special meeting, duly assembled.

SEC. 6. This charter is granted upon the express condition that said railroad Company shall not be exempt from taxation in this State.

Approved March 1, 1870.

A. D. 1870.

Issue bonds.

Lease other Railroads.

Proviso.

Taxation.

AN ACT TO INCORPORATE THE ENTERPRISE RAILROAD COMPANY, OF
CHARLESTON, SOUTH CAROLINA.

No. 282.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That R. H. Cain, R. C. DeLarge, A. J. Ransier, B. A. Bosemon, Wm. J. Whipper, T. K. Sasportas, R. B. Elliott, Jos. H. Rainey, Wm. M. Thomas, Lucius Wimbush, George Lee, Wm. McKinlay, Henry J. Maxwell, Samuel L. Bennett, John B. Wright, Moses Vandihorst, Wm. H. W. Gray, Jas. N. Hayne, W. J. Brodie, W. R. Jervay, Wm. T. Elfe, Robert Small, C. D. Hayne, Jno. Everett, Timothy Hurly, E. W. M. Mackey John Bonum, Thos. H. Holmes, W. E. Johnson, Samuel Johnson, Stephen Brown, and all those persons who may become members of the Enterprise Railroad Company, of Charleston, be, and the same are hereby, declared a body politic and corporate, under the style and name of the "Enterprise Railroad Company, of Charleston," and by that title shall have power to take, subscribe and raise a capital stock to the amount of two hundred and fifty thousand dollars, (\$250,000,) in shares of twenty-five dollars (\$25) each, if so much be necessary for the purpose contemplated, with power to increase the said capital to the further sum of five hundred thousand dollars, (\$500,000,) if found necessary: Provided, That such increase be assented to by a majority in number of the stockholders, who shall be notified in two of the public papers of the city of Charleston of a meeting to be held for that purpose.

Corporators.

Capital stock.

Shares.

Proviso.

SEC. 2. That the said "Enterprise Railroad Company, of Charleston," shall have power and authority to lay railway tracks from the Battery, or "White Point Garden," on East Bay street, in the city of Charleston, through and along East Bay street to Calhoun street, through and along Calhoun street to Alexander street, through and along Alexander street to Judith street, through and along Judith street to America street, through and along America street to Amherst street, through and along Amherst street to Wolfe street, through and along Wolfe street to Meeting street, and thence along Meeting street and the State Road to the "Ten Mile Hill," to such point as they may deem most advantageous.

Extent of road.

A. D. 1870.

Privileges
and rights.

SEC. 3. That the said "Enterprise Railroad Company, of Charleston," shall be able and capable, by its corporate name, to buy property and to sell, for the purpose of its business, to sue and be sued, to plead and be impleaded, in any Court of Law or Equity in this State, to have succession of officers and members, and shall have power to make by-laws, not repugnant to the laws of the land, for the government and good order of its members, as shall be deemed expedient by a majority of the stockholders, and to have a common seal, and to alter and make new the same.

Issue of bonds

SEC. 4. That the said "Enterprise Railroad Company, of Charleston," shall have power and authority to issue bonds to an amount equal to one-half of their capital subscribed, the same to be redeemable at such time, not exceeding twenty (20) years, as may be agreed upon by the said Company, and to bear interest at seven per cent. per annum, payable semi-annually.

SEC. 5. That this Act shall remain in force and continue for the term of thirty (30) years.

SEC. 6. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 1, 1870.

No. 283. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE BARNWELL RAILROAD COMPANY."

Corporators.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Geo. D. Chapman, H. H. Boody, William H. Thorp, Henry Budge, John D. Mills, A. W. Greenleaf, W. W. Dechalt, C. P. Leslie, Charles R. Abbott, Willis Gaylord, S. C. Pomeroy, and their associates, now forming and constituting the Barnwell Railroad Company, be, and they and their successors are hereby, authorized and empowered to extend the said railroad from a point at or near Blackville to Sumter Court House, in a line as nearly straight as may be practicable or convenient, so as to form a direct line from Sumter Court House to the Savannah River.

Extent of
road.

Capital stock.

SEC. 2. That the capital stock of the said Company may be increased at pleasure to a sum not exceeding three millions of dollars, to be divided into shares of one hundred dollars each.

Powers and
privileges.

SEC. 3. That for the purpose of constructing the said railroad, and the extension thereof, hereinbefore provided for, the said Company is hereby invested with all the powers and privileges, and subject to all the duties and liabilities that the Greenville and Columbia Railroad Company are invested with and subject to by an Act entitled "An Act to charter the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, and all Acts amendatory thereof, so far as the same are applicable, or may become so; and the charter of the said Greenville and Columbia Railroad Company shall attach, and, so far as is practicable, become the charter of the said Company: Provided, That the property of said railroad Company shall not be exempt from taxation.

Greenville
and Columbia
Railroad.

Approved March 1, 1870.

AN ACT PROVIDING FOR THE GENERAL ELECTIONS, AND THE MANNER
OF CONDUCTING THE SAME.

A. D. 1870.

No. 284.

When held.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the general elections in this State shall be held, pursuant to the Constitution thereof, on the third Wednesday in October, eighteen hundred and seventy, and forever thereafter, on the same day in every second year, and shall be regulated and conducted according to the rules, principles and provisions herein prescribed.

SEC. 2. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in the Constitution, without distinction of race or color or former condition, who shall have been a resident of the State for one year, and in the County in which he offers to vote for sixty days next preceding any general election, shall be entitled to vote: Provided, That no person while kept in any alms house or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote.

Who entitled to vote.

SEC. 3. That for the purpose of carrying on such election it shall be the duty of the Governor, and he is hereby authorized and empowered, at least sixty days prior to any such election, to appoint in and for each County three Commissioners of Election, whose duty it shall be, and they are hereby, authorized and empowered to appoint three Managers of Elections, for each election precinct of the County for which they shall respectively be appointed. The said Commissioners of Elections and said Managers of Elections shall take and subscribe, before any officer authorized to administer oaths, the oath of office prescribed by Section 30 of Article II of the Constitution, and the same shall be immediately filed, in each instance, in the office of the Clerk of the County in which said Commissioners and Managers shall be appointed; and if there be no such Clerk duly qualified by law, then in the office of the Secretary of State.

Governor to appoint Commissioners of Election.

Oath of office.

SEC. 4. That the Managers are hereby authorized to appoint a Clerk to assist them in whatever duties may be required of them, who shall take the oath of office prescribed by Section 30 of Article II of the Constitution before the Chairman of the Board of Managers.

Clerk.

Oath.

SEC. 5. That the Commissioners aforesaid, and the Managers aforesaid, at their first meetings, respectively, shall proceed to organize themselves as a Board, by appointing one of their number Chairman of the Board; and such Chairman, in each instance, shall be empowered to administer the necessary oaths.

Board.

Chairman.

SEC. 6. The polls shall be open at such voting places as shall be designated at six o'clock in the forenoon, and close at six o'clock in the afternoon of the day of election, and shall be kept open during these hours without intermission or adjournment, and the Managers shall administer to each person offering to vote an oath that they are qualified to vote at this election, according to the Constitution of this State, and that they have not voted during this election.

Polls.

Oath of person voting.

SEC. 7. Representatives in the House of Representatives of the Congress of the United States shall be chosen at such election, in the several Congressional Districts, by the qualified electors therein.

Representatives in Congress.

A. D. 1870.

State Constables.

SEC. 8. The State Constables, and other peace officers of each County, are hereby required to be present during the whole time that the polls are kept open, and until the election is completed; and they shall prevent all interference with the Managers, and see that there is no interruption of good order. If there should be more than one polling place in any County, the State Constable of such County is hereby empowered and directed to make such assignment of his deputies, and other peace officers, to such polling places as may, in his judgment, best subserve the purposes of quiet and order.

Prohibiting sale of liquor.

SEC. 9. All bar-rooms, saloons, and other places for the sale of liquors by retail, shall be closed at six o'clock of the evening preceding the day of such election, and remain closed until six o'clock in the morning of the day thereafter, and during the time aforesaid the sale of all intoxicating liquors is prohibited. Any person duly convicted before a competent Court of a violation of this Section, shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the Court.

Penalty.

Corruptly influencing others.

SEC. 10. That every person who shall vote at any general election, who is not entitled to vote, and every person who shall, by force, intimidation, deception, fraud, bribery or undue influence obtain, procure, or control the vote of any elector to be cast for any candidate or measure, other than as intended or desired by such elector, shall be punished by a fine of not less than one hundred, nor more than one thousand dollars, or by imprisonment in jail not less than three months, nor more than twelve months, or both, within the discretion of the Court.

Penalty.

Vote by ballot.

SEC. 11. The voting shall be by ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen; and shall be so folded as to conceal the contents; and such ballot shall be deposited in a box to be constructed, kept and disposed of as herein-after provided.

Ticket.

SEC. 12. There shall be one general ticket, on which shall be the names of the persons voted for as Representatives in Congress, and State, Circuit and County Officers.

Ballot-box.

SEC. 13. The Commissioners of Elections shall provide one box for each election precinct. An opening shall be made in the lid of such box, not larger than shall be sufficient for a single ballot to be inserted therein at one time, through which each ballot received, proper to be placed in such box, shall be inserted by the person voting, and by no other; each box shall be provided with a sufficient lock, and shall be locked before the opening of the poll, and the keys retained by the Commissioners, and shall not be opened during the election. Such boxes shall be labelled as follows: Congress, State, Circuit and County Officers.

Poll list.

SEC. 14. Each Clerk of the poll shall keep a poll list, which shall contain one column headed "Names of Voters;" and the name of each elector voting shall be entered by the Clerk in such column.

SEC. 15. At the close of the election, and within three days after the day thereof, the Chairman of the Board of Managers, or one of them, who may be designated by the Board, shall deliver to the Commissioners of Elections the poll list, and boxes containing the ballots.

Of the Commissioners of Elections as Canvassers, and their Proceedings.

A. D. 1870.

SEC. 16. The Commissioners of Elections shall meet at the County seat, as provided in the last preceding Section, and shall proceed to organize, and shall form the County Board of Canvassers.

Meeting.

SEC. 17. They shall meet in some convenient place at the County seat, on the Tuesday next following the election, before one o'clock in the afternoon of that day. They may appoint some competent person as Secretary. The Chairman shall then proceed to administer the constitutional oath to each member of the Board, as Canvassers; and shall administer the constitutional oath to the Secretary, and the Secretary shall administer to the Chairman the same oath that he shall have administered to the other members of the Board.

Organization of Board Canvassers.

SEC. 18. They shall then proceed to count the votes of the County, and shall make such statements thereof as the nature of the election shall require, within ten days of the time of their first meeting as a Board of County Canvassers, and shall transmit to the Board of State Canvassers any protest and all papers relating to the election.

Count votes.

SEC. 19. Duplicate statements shall be made and filed in the office of the Clerk of the County; and if there be no such Clerk, duly qualified, according to law, then in the office of the Secretary of State.

Statement filed in office of the Clerk or Secretary of State.

SEC. 20. They shall make separate statements of the whole number of votes given in such County for Representatives in Congress; and separate statements of all other votes given for other officers. Such statements shall contain the names of the persons for whom such votes were given, and the number of votes given for each, which shall be written out in words at full length.

To make separate statements.

SEC. 21. There shall be prepared by the Commissioners three separate lists of each statement, besides the lists to be filed in the office of the County Clerk or Secretary of State, and each list shall be certified to as correct by the signatures of the Commissioners subscribed to such certificate.

Additional lists.

SEC. 22. After the final adjournment of the Board of County Canvassers, and within the time prescribed in Section 17 of this Act, the Chairman of the Board shall deposit in the nearest post office, directed to the Governor, Secretary of State, and Comptroller-General, (the full postage paid,) each, one of the certified copies of the statement and certificate of votes, prepared as provided in the last preceding Section.

Certified copies to be sent to the Governor, Secretary of State and Comptroller General.

Of the Formation and Proceedings of the Board of State Canvassers.

SEC. 23. The Secretary of State shall appoint a meeting of State Canvassers, to be held at his office, or some convenient place, on or before the tenth day of November next after such general election, for the purpose of canvassing the votes of all officers voted for at such election.

Secretary of State to convene the State Canvassers.

SEC. 24. The Secretary of State, Comptroller-General, Attorney-General, State Auditor, State Treasurer, Adjutant and Inspector-General and the Chairman of the Committee on Privileges and Elections of the House of Representatives, shall constitute the State Canvassers; four of whom shall be a sufficient number to form a Board.

Members of Board.

Quorum.

SEC. 25. If a majority of these officers shall be unable, or shall fail to attend, the President of the Senate, being notified by the Secretary of

President of Senate.

A. D. 1870.

State, shall attend without delay, and, with the officers attending, shall form a Board.

SEC. 26. The Board, when thus formed, shall, upon the certified copies of the statements made by the Board of County Canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers, and for each of them voted for, distinguishing the several Counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names.

To declare election.

SEC. 27. Upon such statements they shall then proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices, or either of them; they shall have power, and it is made their duty, to decide all cases under process or contest that may arise, when the power to do so does not, by the Constitution, reside in some other body.

Contest of Governor's Election.

SEC. 28. That in case of a contest of the election of Governor, the General Assembly, by concurrent resolution, shall entertain the same. The Senate and House of Representatives shall each separately proceed to hear and determine the facts in the case, so far as they deem necessary, and decide thereon, who, according to the 10th Section of Article VIII of the Constitution, is entitled to be declared elected. If the two branches of the General Assembly come to the same decision, they shall, by concurrent resolution, declare who is duly elected, and entitled to enter upon and exercise the office of Governor; and such person thereupon shall, upon taking the oath prescribed in the Constitution, be inducted into office. If the two branches of the General Assembly do not come to the same decision, then a general election shall be called by the Governor, to take place in not less than sixty, nor more than ninety days, at which the qualified electors shall proceed to vote for a suitable person to fill the office of Governor.

Senate and House of Representatives to determine.

Non-concurrence of both Branches.

Certificate delivered to Secretary of State.

SEC. 29. They shall make and subscribe, on the proper statement, a certificate of such determination, and shall deliver the same to the Secretary of State.

Adjournment

SEC. 30. The Board shall have power to adjourn, from day to day, for a term not exceeding ten days.

Record of Declaration.

SEC. 31. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination which shall be delivered to him by the Board of State Canvassers, and every dissent or protest that shall have been delivered to him by a Canvasser.

Secretary of State to furnish certificates.

SEC. 32. He shall, without delay, transmit a copy, under the seal of his office, of such certified determination to each person thereby declared to be elected, and a like copy to the Governor.

Publication.

SEC. 33. He shall cause a copy of such certified statements and determinations to be printed in one or more public newspapers of this State.

Certificate sent to House of Representatives of the United States.

SEC. 34. He shall prepare a general certificate, under the seal of the State, and attested by him as Secretary thereof, addressed to the House of Representatives of the United States in that Congress for which any person shall have been chosen, of the due election of the person so chosen at such election as Representative of this State in Congress, and shall transmit the same to the said House of Representatives at their first meeting.

SEC. 35. The Secretary of State shall enter in a book, to be kept in his office, the names of the respective County officers elected in this State, specifying the Counties for which they were severally elected, and their place of residence, the office for which they were respectively elected, and their term of office.

A. D. 1870.
Record of
County Off-
icers elected.

SEC. 36. If any officer on whom any duty is enjoined in this Act shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding one year.

Neglect.

Penalty.

SEC. 37. The Commissioners of Elections shall receive, for their compensation, three dollars per day for their services while actually employed, and ten cents per mile for necessary travel; and the Managers shall receive two dollars per day while actually employed, and ten cents per mile for necessary travel; and the Clerks of the Commissioners, and the Clerks of the Managers, respectively, shall receive two dollars per day while actually employed: Provided, No Commissioner of Elections shall receive pay for more than ten days, and no Manager or Clerk for more than three days.

Compensa-
tion.

SEC. 38. At each general election suitable persons shall be chosen to fill any vacancy in any elective office in any County, of which at least fifteen days' previous notice shall be given by the proclamation of the Governor.

Vacancy.
Governor's
Proclamation

SEC. 39. All Acts or parts of Acts inconsistent with this Act, or in any way conflicting with the provisions of this Act, are hereby repealed.

Approved March 1, 1870.

See Act 1870 p 1 to 666 Section 1

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND THE KEEPING IN REPAIR OF PUBLIC HIGHWAYS AND ROADS. No. 285.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and the authority of the same, That all able-bodied male persons, and all male persons able to perform, or cause to be performed, the labor herein required, between the ages of eighteen and forty-five years, shall be liable annually to perform such days labor on the public highways and roads as shall not exceed ten days, in one year, under the direction of the Commissioners of the County in which he shall reside: Provided, That if any person, being warned as hereinafter provided, shall pay to the County Treasurer of the County in which he may reside the sum of one dollar per day, after being notified by the County Commissioners, the same shall be received in lieu of such labor, and shall be applied by the said Commissioners to the construction and repair of highways and roads in the precinct to which they belong.

Who liable
to perform la-
bor.

Proviso.

SEC. 2. It shall be the duty of the Commissioners of each and every County in this State to order out every such person, resident as aforesaid, between the first Monday in December and the first Monday in August, annually, to do and perform the work aforesaid on the public highways and roads in their respective Counties; and if any such resident, being personally warned by such Commissioners, or by having a written notice

County Com-
missioner's
duty.

Refusal.

A. D. 1870.

Fine.

Removal
from one
County to an-
other.Persons fur-
nishing tools
and employ-
ment.What to be
deemed resi-
dence.

served at his place of residence, shall refuse or neglect, having had at least three days' notice, to attend by himself or substitute equally able to perform said duty as himself, or, having attended, shall refuse to obey the directions of the said Commissioners, shall, upon conviction thereof, be fined by the County Commissioners, in a sum not less than five nor more than fifteen dollars, the same to be collected as other judgments.

SEC. 3. In case any person shall remove from one County to another, who has, prior to such removal, performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the Commissioners of the proper County, such certificate shall be a complete discharge for the amount therein specified.

SEC. 4. Any person called upon to perform any labor upon the public highways and roads, under the provisions of this Act, shall by himself or substitute appear at the place appointed by the Commissioners at the hour of eight o'clock in the forenoon, with such necessary tools and implements as the Commissioners may direct; and the Commissioners may, if necessary for the construction or repair of the highway or road, order any person owning the same to furnish a team of horses, mules or oxen, and wagon, cart, plow or scraper, to be employed and used upon the said highway or road under their direction.

SEC. 5. For the purposes provided for under the preceding Sections of this Act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards, in any County in this State.

SEC. 6. In all cases a man, horse, plow and cart, shall be equivalent to three days' labor; a man, wagon and two horses shall be equivalent to five days' labor; and so in proportion for all teams and wagons used by and under the directions of said Commissioners. And the County Commissioners are hereby authorized to appoint Sub-Commissioners in each Township, to superintend the repairing of roads and highways in the different Counties of the State.

SEC. 7. That all Acts or parts of Acts, inconsistent with the provisions of this Act, be, and the same are hereby, repealed.

SEC. 8. That this Act shall take effect immediately after its passage.

Approved March 1, 1870.

No. 286. AN ACT TO REGULATE THE FEES OF PROBATE JUDGES, CLERKS OF COURTS, TRIAL JUSTICES AND MAGISTRATES, AND OTHER OFFICERS HEREIN MENTIONED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the fees which Probate Judges, Clerks of Courts, Trial Justices and Magistrates, and the other officers herein mentioned, shall be authorized to receive in the several cases herein specified, respectively, shall be as follows:

Trial Just-
ices and Jus-
tices of the
Peace.

SEC. 2. Trial Justices and Justices of the Peace:

Oath and warrant in any criminal case, fifty cents; each recognizance,

fifty cents; commitment and release, each fifty cents; administering and certifying oath in writing, other than above, fifty cents; issuing writ of *habeas corpus* to two Justices jointly, two dollars; issuing summons and copy for defendant and civil cases, sixty cents; issuing summons for witness in any civil case, fifty cents; taking examination of witness in writing in any case, as prescribed by law, one dollar; for giving judgment on hearing litigated case, fifty cents; for giving judgment in case not defended, fifty cents; for issuing execution, or renewal of the same, fifty cents; report of case and taking bond to appeal, one dollar and fifty cents; for issuing attachment returnable to Court or Justice, including all notices, one dollar and fifty cents; for filing return of garnishee and order thereon, twenty-five cents; for proceedings in case of ejectment, five dollars; for approval of indentures of apprentices or servants, one dollar: for proceedings on Coroner's inquest, as prescribed by law, ten dollars; for proceedings on estray of horse or mule, one dollar; for proceedings on all other estrays, fifty cents; for taking and certifying renunciation of dower or inheritance, two dollars; for granting order for special bail, one dollar; for trial of any criminal case or misdemeanor, three dollars; for administering oath, twenty-five cents; for administering oath on affidavit, fifty cents; proceedings in case of bastardy, inclusive, five dollars.

A. D. 1870.

Fees.

SEC. 3. Notaries Public:

For taking deposition and swearing witness, per copy sheet, twenty-five cents; for every protest, two dollars and twenty-five cents; for a duplicate of deposition, protest and certificate, per copy sheet, fifteen cents; for each attendance on any person to prove any matter or thing, and certifying the same, one dollar; for every notarial certificate, with seal affixed, one dollar; for administering an oath, twenty-five cents; for administering oath on affidavit, fifty cents; for taking renunciation of dower or inheritance, two dollars.

Notaries Public.

Fees.

SEC. 4. Coroners:

For every inquisition, ten dollars; for mileage, going and returning, per mile, five cents; for each warrant issued, fifty cents; for each commitment, fifty cents; for each recognizance, seventy-five cents; for each body disinterred, three dollars; for recording proceedings in each inquisition in his book, per copy sheet of one hundred words, fifteen cents; for performing the duties of Sheriff, the same fees as are allowed Sheriffs for like services.

Coroners.

Fees.

SEC. 5. Witness:

In civil cases, per day, one dollar; in State cases, per day, one dollar and fifty cents, besides mileage at five cents per mile, going and returning.

Witness.

Fees.

SEC. 6. Jurors:

Jurors, per day, one dollar and fifty cents, besides mileage at five cents per mile, going and returning.

Jurors.

SEC. 7. Constables:

For summoning witness in civil case, fifty cents; for serving summons, rule or notice in any civil case, fifty cents; for serving attachment on each person, one dollar; for levying execution, posting advertisements of sale, and paying over proceeds, besides commission of three per cent. on amount collected, to be paid by the department in execution, fifty cents; for every day in search of stolen goods, to be paid by Complainant, two

Constables.

Fees.

A. D. 1870.

dollars; for serving a warrant in any State case, one dollar; for selling an estray, five per centum of the proceeds, and in all cases for all actual and necessary travel one way, to be certified by the officer on the back of the process, in writing, five cents per mile; for all necessary service in case of ejection, as well before as after judgment, five dollars; for summoning Coroner's Jury, and witnesses, to be paid by the County, three dollars; for transportation of prisoners to County jail, ten cents per mile, to be paid by the County.

SEC. 8. Sheriffs:

Sheriffs.

Fees.

For entering every writ, process, warrant or execution, and making endorsements thereon, fifty cents; for serving every writ or summons, besides mileage, one dollar; for bond in any case, one dollar and fifty cents; for commitment and release, each fifty cents; for serving each venire for Grand Jury, ten dollars; for serving each venire for petit jury, twenty dollars; for serving each bench or other warrant in the sessions, attachment for contempt of Court, besides mileage, each one dollar and fifty cents; search for person or goods not found and returned on the execution *non est inventus or nulla bona*, besides mileage, one dollar; levy attachment or other execution, besides mileage, one dollar and fifty cents; dieting persons, per day, forty cents; executing convict, including all charges for burial and other expenses, twenty-five dollars; bringing up prisoner under *habeas corpus*, to be paid by the prisoner, if able, (if not, by the County,) besides mileage, two dollars; conveying prisoner from one place to another, besides all necessary expenses, and returning, ten cents; each guard for Sheriff, in conveying prisoner, two dollars per day; commissions on all moneys collected by him, if under three hundred dollars, two per cent.; if over that sum, two per cent. on the first three hundred dollars, and one per cent on balance; one-half of one per cent. on all moneys paid out of office on all executions lodged; execution lodged to bind, with order not to levy, one dollar; advertising Defendant's property, in addition to printer's bill, one dollar; drawing deed or mortgage, three dollars; bill of sale, one dollar and fifty cents; each notice served on set of Managers of Election, besides mileage, one dollar and fifty cents; in case of ejection, and ejecting tenant or others, five dollars; summoning Coroner's jury and witnesses, to be paid by the County, five dollars.

SEC. 9. Clerks of Court:

Clerks of
Courts.

Fees.

For signing and sealing sub. writ, State cases, fifty cents; for administering oath, twenty-five cents; for taking and filing bonds in attachment, trover and other cases, one dollar and fifty cents; signing and sealing commissions to examine witness, one dollar; recording plat under order of Court, one dollar; rule of survey, one dollar; each official certificate under seal, fifty cents; issuing writ of attachment for contempt, or other special writ, one dollar and fifty cents; signing and sealing writ of *hab. fac. possessionem*, one dollar; receiving and paying over money officially, under three hundred dollars, two per cent.; over that amount, one per cent; on bill nol. pros., before given out, two dollars; on bill thrown out by Grand Jury, or found, and nol. pros. abated, discontinued or struck off, three dollars; on bill found and verdict by petit jury, four dollars; issuing bench warrant, two dollars; issuing scire facias, two dollars; issuing each execution in Sessions, two dollars; signing and sealing writ of *habeas corpus*, three dollars; issuing warrants, taking recognizance or other services in the Sessions, the same fees as allowed to Trial Justices;

each writ of venire facias, including all services incident to summoning jurors, two dollars and fifty cents; preparing and issuing certificates for grand and petit jurors, and Constables, and furnishing return to County Commissioners, for each week of every term of the Court, ten dollars; furnishing advertisement in case of escheat, exclusive of printer's bill, and recording proceedings thereon, five dollars; for advertising and giving notice to Managers of Elections, in case of approaching or actual vacancy in any County office, each ten dollars; for license to an attorney, all incidental services included, five dollars; filing and entering notice of alien's intention to become a citizen, one dollar; filing and recording report of alien, one dollar; administering oath of intention, one dollar; filing and entering application to become a citizen and administering oath, two dollars; for giving certificate of citizenship, one dollar; taking renunciation of dower or inheritance, two dollars; for official record of estray and filing papers, one dollar and fifty cents; every search for a paper, fifteen cents; every search, with certificates, fifty cents; swearing Magistrate or Constable in office, and certificate thereof and taking bonds, two dollars; for recording bonds of County officers and certifying to same, one dollar and fifty cents; granting license to pedlars, including all services, five dollars; for every probate in writing, twenty-five cents; for signing dedimus potestatem, two dollars; for official certificate to exemplification of record, one dollar; for official certificate in case requiring seal, fifty cents; on every trial, from the party bringing it on, two dollars; on filing transcript, twenty-five cents; on entering judgment, fifty cents; copy papers, per copy sheet of one hundred words, twenty-five cents; signing and sealing each execution and renewal, fifty cents; for recording and copying deeds or other papers, per copy sheet of one hundred words, twenty-five cents; for every certificate on deeds or other papers, twenty-five cents.

SEC. 10. Judges of Probate:

For petition for letters, &c., two dollars; for citation, one dollar; qualifying executor, administrator or guardian, issuing letters and recording same, four dollars; taking bond of administrator or guardian, and recording same, two dollars and fifty cents; issuing warrant of appraisement, one dollar; proving will in common form, two dollars; proving will in solemn form, ten dollars; for recording wills and certificates, per copy sheet of one hundred words, each figure counting a word, twenty-five cents; filing and entering renunciation of executor, one dollar; dedimus potestatem to prove will or qualify executor, two dollars and fifty cents; recording inventories, appraisements and sales, per copy sheet of one hundred words, each figure a word, twenty-five cents; receiving, examining and filing annual returns, two dollars.

For first and final return, each three dollars and fifty cents; for recording returns, per copy sheet of one hundred words, twenty-five cents; order for sale personal property, one dollar and fifty cents; hearing and filing petition for guardians and appointment, five dollars; entering caveat and withdrawing same, one dollar; for hearing litigated case, five dollars; issuing summons, for each witness, fifty cents; qualifying and examination of each, twenty-five cents; for proceedings in partition of real estate worth less than one thousand dollars, fifteen dollars; for appointing guardians ad litem, three dollars; for proceedings in partition of real estate worth more than one thousand dollars, thirty dollars; commissions on all moneys received and paid out, two per cent. on the first three hun-

A. D. 1870.

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Judges of
Probate.
Fees.

A. D. 1870.

dred dollars, and one per cent. for all sums over that amount ; for search for each paper, fifteen cents ; for certificate and seal, fifty cents ; for copying papers on-file in office, per copy sheet of one hundred words, twenty-five cents ; for final discharge of executor, administrator or guardian, two dollars ; for proceedings in dower, inclusive of all charges, twenty dollars ; for proceedings in lunacy, inclusive, five dollars.

Approved March 1, 1870.

No. 287. AN ACT TO INCORPORATE THE COOPERS' TRADES-UNION, OF CHARLESTON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That A. R. Mitchell, A. F. Gregorie, Edward Jones, James Chapman, and such other persons as may now, or hereafter shall be, associated with them, are hereby made and declared to be a body politic and corporate by the name and style of the Coopers' Trades-Union, of Charleston.

SEC. 2. That said Coopers' Trades-Union, of Charleston, shall have succession of officers and members according to its by-laws, and shall have power to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded, in any Court in this State. It is hereby empowered to retain, possess, and enjoy all such property, real and personal, as it may possess or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by it, and to sell, alien, or transfer the same.

SEC. 3. That this Act shall be a public Act, and continue in force for the term of twelve years from the date of its ratification.

Approved March 1, 1870.

No. 288. AN ACT TO DEFINE THE CRIMINAL JURISDICTION OF TRIAL JUSTICES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Trial Justices shall have and exercise within their respective Counties all the powers, authority and jurisdiction, in criminal cases, hereinafter set forth.

SEC. 2. Trial Justices shall have jurisdiction of all offences which may be subject to the penalties of either fine or forfeiture not exceeding one hundred dollars, or imprisonment in the Jail or Work House not exceeding thirty days, and may impose any sentence within those limits, singly or in the alternative.

SEC. 3. They may punish by fine not exceeding one hundred dollars, or imprisonment in the Jail or House of Correction not exceeding thirty days, all assault and batteries, and other breaches of the peace, when the offence is not of a high and aggravated nature, requiring, in their judgment, greater punishment.

SEC. 4. They may cause to be arrested all affrayers, rioters, disturbers

Penalties
not exceeding
\$100.

Assault and
batteries.

Rioters, &c.

and breakers of the peace, and all who go armed offensively, to the terror of the people, and such as utter menaces or threatening speeches, or otherwise dangerous and disorderly persons.

A. D. 1870.

Persons arrested for any of said offences shall be examined by the Trial Justice before whom they are brought, and may be tried before him, and, if found guilty, may be required to find sureties of the peace, and be punished within the limits prescribed in Section 2, or, when the offence is of a high and aggravated nature, they may be committed or bound over for trial before the Court of General Sessions.

Sureties.

SEC. 5. They shall have jurisdiction of larcenies, by stealing of the property of another, of money, goods or chattels, or any bank note, bond, promissory note, bill of exchange, or other bill, order or certificate; or any book of accounts for or concerning money or goods due, or to become due, or to be delivered; or any deed or writing containing a conveyance of land or any other valuable contract in force; or any receipt, release or defeasance; or any writ, process or public record, if the property stolen does not exceed twenty dollars in value.

Larceny.

SEC. 6. They shall have jurisdiction of the offences of buying, receiving or aiding in the concealment of stolen goods or other property, where they would have jurisdiction of the larceny of the same goods or property.

Stolen Goods.

SEC. 7. They shall have jurisdiction of the offences of obtaining property by any false pretence, or by any privy or false token, or by any game, device, slight of hand, pretensions to fortune telling, trick or other means, by the use of cards or other implements or instruments, where they would have jurisdiction of a larceny of the same property, and may punish said offences the same as larceny.

False pretence.

SEC. 8. They shall cause to be arrested all persons, found within their Counties, charged with any offence, and persons who, after committing any offence within the County, escape out of the same; examine into treasons, felonies, grand larcenies, high crimes and misdemeanors; and commit or bind over for trial those who appear to be guilty of crimes or offences not within their jurisdiction, and punish those guilty of such offences within their jurisdiction.

SEC. 9. All proceedings before Trial Justices, in criminal cases, shall be commenced on information, under oath, plainly and substantially setting forth the offence charged, upon which, and only which, shall a warrant of arrest issue.

When proceedings to commence.

The information may be amended at any time before trial.

All proceedings before Trial Justices shall be summary, or with only such delay as a fair and just examination of the case requires.

SEC. 10. Every person arrested and brought before a Trial Justice charged with an offence within his jurisdiction, shall be entitled, on demand, to a trial by jury, to be selected in the manner indicated by Section 6 of the Act entitled "An Act to provide for the temporary appointment of Magistrates, and to define their powers and duties," ratified 24th day of September, A. D. 1868.

Trial by Jury.

SEC. 11. Trial Justices are authorized to issue all necessary processes to carry their powers into effect, and may exercise all the powers heretofore conferred by law upon Magistrates.

SEC. 12. Every person convicted before a Trial Justice of any offence whatever, and sentenced, may appeal from the sentence to the next term

Appeal.

A. D. 1870.

of the Court of General Sessions for the County. The appellant shall be committed, to abide the sentence of said Court, until he recognizes to the State in such reasonable sum, and with such sureties, as the Court requires, with condition to appear at the Court appealed to, and at any subsequent term to which the case is continued, if not previously surrendered and discharged, and so, from term to term, until the final decree, sentence or order of the Court thereon; and to abide such final sentence, order or decree, and not depart without leave; and, in the meantime, to keep the peace, and be of good behavior.

SEC. 13. All Acts and parts of Acts inconsistent or supplied by this Act are hereby repealed.

Approved March 1, 1870.

No. 289. AN ACT TO AUTHORIZE TRUSTEES TO INVEST FUNDS IN THE BONDS OF THE STATE OF SOUTH CAROLINA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Guardians, Trustees, Administrators, Executors, Probate Judges, and Clerks of Courts, and all other persons holding funds in trust for investment, are hereby authorized to invest the same in bonds of the State of South Carolina. And they are hereby relieved from all responsibility for said investment, except for the safe keeping of the bonds: Provided, That as to officers of the Court, there be no order of the Court directing a different investment.

Approved March 1, 1870.

No. 290. AN ACT TO FIX THE PER DIEM AND MILEAGE OF THE MEMBERS OF THE GENERAL ASSEMBLY.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the members of the next General Assembly shall receive the same mileage and per diem as now allowed the members of the present General Assembly by the provisions of the Constitution of this State, as ratified by the people on the 14th, 15th and 16th days of April, 1868.

Approved March 1, 1870.

No. 291. AN ACT TO INCORPORATE THE COMET LIGHT INFANTRY, AND THE RANDOLPH RIFLEMEN, BOTH OF THE CITY OF CHARLESTON, AND, ALSO, THE LINCOLN GUARDS, OF SAINT STEPHENS, AND THE SANTEE NATIONAL GUARDS.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Samuel Dickerson, P. L.

Miller, J. J. Young, Samuel E. Gilliard and Robert H. Hamilton, under the name and style of the "Comet Light Infantry;" and that W. H. Mishaw, R. B. Artson, T. E. Dixon and J. D. Robinson, under the name and style of the "Randolph Riflemen;" and, also, that Wm. R. Jervay, Julius Tingman, Brutus Butler, Margan Sabb, J. M. Gillins and Thomas Singleton, under the name and style of "The Lincoln Guards;" and W. G. Pinckney, Matt. Blake and Prince Wethers, by the name and style of "The Santee National Guards," and their successors and associates, be, and they are, respectively, incorporated and made and declared a body politic and corporate, in deed and in law, and, as such body politic, shall, each one of them, have the power to use and keep a common seal, and the same at will to alter, to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members, conformable to such by-laws, to sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities, incident to bodies corporate.

A. D. 1870.

Powers and
Privileges.

SEC. 2. That this Act shall be deemed and taken to be a public Act, and shall continue in force for the space of fourteen years from and after its passage.

Approved March 1, 1870.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF WALTERBORO. No. 292.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all citizens of this State, having resided sixty days in the town of Walterboro, shall be deemed, and are hereby declared to be a body politic and corporate; and the said town shall be called and known by the name of Walterboro, and its corporate limits shall extend one mile in each direction from the Saint Jude's Episcopal Church, in said town.

Limits.

SEC. 2. That the said town shall be governed by an Intendant and six Wardens, who shall be citizens of the United States, and shall have been residents of the said town for sixty days immediately preceding their election; who shall be elected on the second Monday in January in every year, ten days' public notice thereof being previously given; and that all male inhabitants of the age of twenty-one years, citizens of the State, and who shall have resided in the said town for sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Government.

SEC. 3. That the election for Intendant and Wardens of the said town shall be held in the court house, or some other convenient public place in the said town, from nine o'clock in the morning until five o'clock in the afternoon; and when the polls shall be closed, the Managers shall forthwith count the votes and proclaim the election, and give notice, in writing, to the persons elected. The Intendant and Wardens shall appoint three Managers to hold the ensuing and subsequent election. Whenever there shall not be an Intendant and Wardens, or Intendant

Election of
Intendant.

A. D. 1870.

Oath of of-
fice.

and Warden, from any cause whatever, it shall be the duty of the Clerk of the Court for Colleton County to order such election forthwith, and appoint three Managers for the same. The Managers in each case shall, before they open the polls for said election, take an oath fairly and impartially to conduct the same. And that the Intendant and Wardens, before entering upon the duties of their respective offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Walterboro, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected. So help me God." The said Intendant and Wardens shall hold their office from the time of their election until the second Monday in January ensuing, and until their successors shall be elected and qualified.

Vacancies.

SEC. 4. That in case a vacancy shall occur in the office of the Intendant, or any of the Wardens, by death, resignation, removal, or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held by the appointment of the Intendant and Warden, or Wardens, as the case may be, or the Clerk of the Court of Colleton County, if there shall be no Intendant or Wardens, ten days' public notice thereof being previously given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act in his stead during the time.

Jurisdiction.

Town Coun-
cil.

SEC. 5. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the jurisdiction and powers of Magistrates within the limits of the said town. And the Intendant shall and may, as often as he may deem necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, may constitute a quorum to transact business; and they shall be known by the name of the Town Council of Walterboro, and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all the ordinances. And the said Town Council shall have authority to appoint, from time to time, as they see fit, such and so many proper persons to act as Marshals or Constables of the said town, as the said Town Council may deem necessary and expedient for the preservation of the peace, good order and police thereof, which persons, so appointed, shall, within the corporate limits of said town, have the power, privileges and emoluments, and be subject to all the obligations, penalties and regulations provided by law for the office of Constable, and shall be liable to be removed at the pleasure of the said Council. And the said Town Council shall have power to establish, or to authorize the establishment of the market house in said town. And the said Town Council shall have full power and authority, under their corporate seal, to make all such rules, by-laws and ordinances, respecting the streets, roads, market house, and the business thereof, and the police system of the said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for preserving health, order and good government within the same. And the said Town Council may impose fines for offences against their by-laws and ordinances, and appropriate the same to the public use of said town; and the said Council shall have the same power which Magistrates now have

By-Laws.

Jurisdiction.

A. D. 1870.

to compel the attendance of witnesses, and requiring them to give evidence upon the trial before them of any person for a violation of any of their by-laws or ordinances; but no fine above the sum of twenty dollars shall be collected by the said Council, except by suit in the Court of Common Pleas: And provided, also, That no fine shall exceed fifty dollars; and, also, that nothing herein contained shall authorize the said Council to make any by-laws or ordinances inconsistent with or repugnant to the laws of this State; and all the by-laws, rules and ordinances the said Council may make, shall, at all times, be subject to revisal or repeal by the General Assembly of this State.

SEC. 6. That the said Intendant and Wardens shall have full power to abate and remove nuisances in the said town; and it shall be their duty to keep all roads, ways and streets within the corporate limits of the said town open and in good repair; and for that purpose they are invested with all the powers heretofore granted to Commissioners of Roads; and shall have full power to classify and arrange the inhabitants of said town liable to street, road or other public duty therein, and to force the performance of such duty under such penalties as are now, or shall hereafter be, prescribed by law: Provided, That the said Town Council may compound with persons liable to perform such duty upon such terms, and on the payment of such sums as may be established by laws or ordinances. And, provided, also, That the individuals who compose the said Town Council shall be exempt from the performance of road and police duty, and the inhabitants of said town are hereby exempt from road and police duty without the corporate limits of said town.

Police.

Proviso.

SEC. 7. That the power to grant or refuse license for billiard tables, to keep tavern, or to retail spirituous liquors within the limits of the said corporation, be, and the same is hereby, vested in the Town Council of Walterboro, and the said Council may grant licenses to retail spirituous liquors to such persons, and in such quantities, at such rates, and upon such terms and conditions as the said Council may deem fit and proper; and the parties to whom such licenses are granted shall be subject to such regulations as may, by ordinance, be established; and the said Intendant and Wardens shall have the full and only power to impose a tax on all shows or exhibitions for gain or reward, within the limits. And all money paid for retailing spirituous liquors, keeping tavern and billiard tables, and the tax on all shows for gain or reward, within the said limits, shall be appropriated to the public use of said corporation.

Licenses.

SEC. 8. That the said Town Council of Walterboro shall have power and authority to require all persons owning a lot or lots in said town, to make and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any of the public streets of said town, if, in the judgment of the Council, such sidewalks shall be necessary; the width thereof, and the manner of their construction, to be designated and regulated by the Town Council; and for default or refusal to make and keep in repair such sidewalks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing: Provided, That such contracts for making or repairing be let to the lowest bidder.

Repairing
streets and
side-walks.

SEC. 9. That the said Town Council of Walterboro shall have power to arrest and commit to jail, for a space of time not exceeding twenty-four hours, and to fine not exceeding twenty dollars, any person or persons who

Commitment
to jail.

A. D. 1870.

shall be guilty of disorderly conduct in said town, to the annoyance of citizens thereof; and it shall be the duty of the Marshal of the town to make such arrest, and to call to his assistance the *posse comitatus*, if necessary, and upon failure to perform such duty he shall be fined in a sum not exceeding twenty dollars for each and every offence.

SEC. 10. That the said Town Council of Walterboro shall have power to grant or refuse license to parties within the limits of said town, and the parties to whom such licenses are granted shall be subject to such regulations as may by ordinance be established. They shall also have power to impose and collect an annual tax upon the assessed property of said town, as assessed by the County Assessor, the County Auditor to furnish the Town Clerk with a duplicate list of town property: Provided, No tax shall be imposed in any one year to exceed the rate of ten cents on each hundred dollars of such assessed property, and that the money so raised shall be applied to the use of said town. The said Town Council shall have the power to enforce the payment of all taxes levied by the said Town Council, to the same extent and in the same manner as is now or hereafter shall be provided by law for the collection of the general State taxes.

Sales at auc-
tion.

SEC. 11. That the said Town Council of Walterboro shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers: Provided, Nothing herein contained shall extend to sales by a Sheriff, Clerk of the Court, Judge of Probate, Coroner, executor or administrator, assignee in bankruptcy, or by any other person out of the order, decree of any Court, Justice of the Peace or Magistrate.

SEC. 12. That this Act shall be deemed a public Act, and shall continue of force for twenty years, and till the end of the session of the General Assembly of said State then next following, and all Acts of incorporations, or amendments thereof, repugnant hereto, are hereby repealed.

Approved March 1, 1870.

No. 293. AN ACT TO REGULATE THE ASSESSMENT AND TAXATION OF PERSONAL PROPERTY IN THE CITY OF CHARLESTON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act providing for the assessment and taxation of property," approved the 15th day of September, A. D. 1868, be, and the same is hereby, extended, so far as the same is applicable, to the city of Charleston, for the purposes of assessment and taxation of the personal property, taxable in said city for municipal purposes, and the same shall be the rule of the City Council of Charleston in assessing personal property, and levying a tax thereon in said city, with such modifications as are hereinafter provided.

Returns of
personal prop-
erty.

SEC. 2. Such returns of personal property for taxation as are in said Act required to be made to the State and County Auditor, shall be made at such times, and to such officer or officers, as the City Council by ordinance shall direct.

SEC. 3. The assessment of personal property, pursuant to said Act, and the levy of taxes thereon, shall be made by such officer or officers, and at such time or times, as the City Council shall by ordinance direct. A. D. 1870.
Assessment.

SEC. 4. The penalties for neglect to make returns, for false returns, and for non-payment of taxes, denounced in said Act, and the mode of procedure to obtain returns, and correct false returns, shall be enforced by such officer or officers, and at such time or times, as the City Council shall direct. False Returns
Penalty.

SEC. 5. The sale of property for unpaid taxes, real or personal, shall be made at such times and such places, and by such officer or officers, as the City Council may direct. Sale.

SEC. 6. The collection of all taxes laid, levied, and licenses imposed, by the City Council of Charleston, for municipal purposes, shall be made by such officer or officers, and at such time or times, as the City Council may direct. Collection
Licenses.

SEC. 7. The City Council of Charleston is hereby authorized to require the payment of such sum or sums of money, not exceeding five hundred dollars, for license or licenses, as in their judgment be just and wise, by any person or persons engaged, or intending to be engaged, in any calling, business or profession, in whole or in part, within the limits of the city of Charleston, except those engaged in the calling or profession of teacher of public or private schools and ministers of the Gospel: Provided, That no distinction shall be made on account of race or color. Exceptions.

SEC. 8. The City Council of Charleston shall appoint a Board of Equalization, consisting of five citizens, to continue in office during pleasure, or may itself act as such, for the purpose of equalizing the personal property, moneys and credits in said city, pursuant to the said Act. Board of E-
qualization.

SEC. 9. An appeal from any assessment, made by any officer or officers authorized to make the same, may be had within such time as may be prescribed by the City Council of Charleston, and to said City Council, or to such Board as they may appoint for that purpose, who shall hear and determine the appeal, and whose decision shall be final. Appeal.

SEC. 10. The City Council of Charleston is authorized to pass any ordinance necessary to carry the intent and purpose of this Act into full effect.

Approved March 1, 1870.

AN ACT TO INCORPORATE A HOME FOR INVALID CLERGYMEN. No. 294.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John H. Cornish, Wm. H. Clark, Morelle Fowler, Amory Coffin, M. D., H. W. Ravenel, George W. Rose, and their successors, are hereby constituted a body corporate and politic, by the name and title of a Home for Invalid Clergymen, and by that name may sue and be sued, plead and be impleaded, in all Courts of Law and Equity in this State, have a common seal, and the same to alter at pleasure, and may have and enjoy every right and privilege incident to Corporators.

A. D. 1870.

Powers and
privileges.

corporations, according to the laws of South Carolina. The business of said corporation shall be the constructing, keeping and maintaining a Home for Invalid Clergymen of the Protestant Episcopal Church, and others, in the town of Aiken, or in such other location in the State of South Carolina as they may select, and to do generally all such business as said corporation may deem necessary and requisite in conducting a Home for Invalid Clergymen and others; and that the said corporation shall have power and capacity to take, purchase, hold and convey property, real and personal, not exceeding in value one hundred thousand dollars.

Vacancies.

Officers—
their bonds.

SEC. 2. The members of said corporation, for the time being, or a majority of them, shall have power to fill any vacancy which may happen by death, resignation or otherwise, to appoint a Secretary and Treasurer, and such other officers as may be necessary; and may require the Treasurer and other officers to give bonds for the faithful discharge of their trusts and duty as said corporators may deem proper; and also to make and establish such by-laws, rules and regulations as they shall deem expedient for the management of the affairs of said corporation, and the same to alter and repeal: Provided, The same be not inconsistent with the laws of this State and the United States.

SEC. 3. The books of said corporation, containing their accounts, shall at all reasonable times be open for the inspection of any of the Bishops of the Protestant Episcopal Church, or any persons appointed by them or any one of them for that purpose.

SEC. 4. This Act shall continue and be in force for the term of ninety-nine years.

Approved March 1, 1870.

No. 295. AN ACT TO ENFORCE A UNIFORM SYSTEM OF ASSESSMENT AND TAXATION BY MUNICIPAL BODIES.

Preamble.

Whereas, it is provided by Section 1, Article IX, of the Constitution, that the General Assembly shall provide by law for an uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed, and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes; and

Whereas, it is provided by Section 8 of the same Article, that the corporate authorities of Counties, townships, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform, in respect to persons and property, within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property, except that heretofore exempted within the limits of municipal corporations, shall be taxed for the payment of debts contracted under authority of law; and

Whereas, it is further provided by Section 2, Article XII, of the Constitution, that the property of corporations now existing or hereafter

created, shall be subject to taxation, except in cases otherwise provided for in this Constitution; therefore,

A. D. 1870.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all municipal corporations created under or by the laws of this State, and vested with power to lay and collect taxes, are hereby authorized and required to assess all property, real and personal, within their corporate limits, at its actual value, and lay all taxes thereon at a uniform and equal rate: Provided, That all property, and no other, exempted from taxation by the third Section of the Act entitled "An Act to provide for the assessment and taxation of property," ratified the 15th day of September, A. D., 1868, shall be exempted from taxation by municipal corporations.

Municipal Corporations.

Uniform rate.

Proviso.

SEC. 2. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved March 1, 1870.

AN ACT TO AID AND ENCOURAGE COTTON AND WOOLEN MANUFACTURES IN THIS STATE. No. 296.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of inducing the investment and employment of capital in the manufacture of cotton and woollen fabrics in this State, any individual, or association of individuals, who shall hereafter invest capital in the manufacture of cotton or woollen fabrics in this State, shall be entitled to receive from the Treasury of the State, annually, a sum of money equal to the aggregate amount of State taxes, which shall be laid and collected upon the property, or capital employed directly and exclusively in such manufactures, the said sum of money to be fixed and determined by the Auditor of the State, in accordance with the tax returns, and to be paid by the Treasurer on the warrant of the Comptroller-General.

Treasurer of State to pay annually certain amounts.

Auditor to determine.

SEC. 2. That it shall be the duty of all County Treasurers, and of the Treasurers of all Municipal Corporations, which are by law authorized to levy taxes, to pay to the individuals, or association of individuals, described in the first Section of this Act, a sum of money annually equal to the aggregate amount of County or municipal taxes laid and collected during any year upon the capital described in the first Section of this Act.

Treasurers of corporations to levy taxes.

SEC. 3. That the provisions of the first Section of this Act shall apply exclusively to investments made hereafter, and shall not operate in any manner until satisfactory evidence shall be presented to the Auditor of the State, that the capital for which the benefits of this Act are claimed has been actually paid in and invested in this State.

Conditions.

SEC. 4. That the provisions of this Act shall be of force for a period not more than four years.

Approved March 1, 1870.

A. D. 1870.

No. 297.

AN ACT TO INCORPORATE CERTAIN FIRE ENGINE AND HOOK AND LADDER COMPANIES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That William Deas, Wyatt Nandin, James Timbus, Richard Price, Henry Mitchell, George McLean, Wm. S. Hammond, by the name and style of the DeKalb Fire Engine Company, of the town of Camden; that James E. McGregor, M. S. Elliott, Nelson R. Scold, by the name and style of the Washington Fire Engine Company, No. 2, of the town of Beaufort; and that the members of the corporation known as the Bamberg Fire Engine Company, of the town of Bamberg, by the name and style of the Bamberg Fire Engine Company, of the town of Bamberg; that P. Abraham Jenkins, G. Parker, D. Richards and C. Campbell, by the name and style of the Hook and Ladder Company, No. 1, of the town of Beaufort; and Isaac J. Cohen, Wm. Mitchell, R. W. Butler, by the name and style of the Union Fire Engine Company, No. 1, of the town of Beaufort; that Isaac McLaughlin, Edward J. Carter, Ammon Reynolds, John A. Chestnut, Wm. Timbus, by the name and style of the Camden Hook and Ladder Company, of the town of Camden; that W. K. Easley, T. Q. Donaldson, V. E. McBee, Wm. H. Perry, J. M. Scott, G. G. Wells, W. E. Earle, J. Cagle, G. B. Poor and Samuel Stradley, by the name and style of the Greenville Hook and Ladder Company, of the town of Greenville; that Geo. Williams, Isaac Crisbund, Charles Green, by the name and style of the Comet Fire Engine Company, of the town of Orangeburg; that Abraham Marks, Sip. Timbers, Thos. Crews, Joseph Reed, Peter Ramsey, by the name and style of the Lincoln Fire Engine Company, No. 3, of the town of Camden; that K. Hall, T. B. Wright, B. B. Sams, by the name and style of the New York Hose Company, No. 1, of the town of Beaufort, and their associates and successors in office, be, and they are hereby, created and constituted bodies corporate and politic, by and under the names and styles aforesaid, with a capital stock not to exceed the sum of ten thousand dollars, with the right to sue and be sued, plead and be impleaded, in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure, and with all other rights, privileges and immunities that are now, or hereafter may be, secured by law to like incorporated bodies.

SEC. 2. That this Act shall be deemed a public Act, and shall remain in force for a term of fourteen years.

Approved March 1, 1870.

No. 298. AN ACT TO REPEAL AN ORDINANCE ENTITLED "AN ORDINANCE TO PREVENT THE ERECTION OF WOODEN BUILDINGS, AND TO PROVIDE GREATER SECURITY AGAINST FIRES," AND ALSO CERTAIN PORTIONS OF THE ACTS OF THE GENERAL ASSEMBLY REFERRING TO THE ERECTION OF WOODEN BUILDINGS IN THE CITY OF CHARLESTON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

and by the authority of the same, That an Ordinance entitled "An Ordinance to prevent the erection of wooden buildings and to provide greater security against fires," passed by the City Council of Charleston, and ratified the eighth day of May, in the year of our Lord one thousand eight hundred and thirty-eight, and such Sections in the Act of the General Assembly entitled "An Act for rebuilding the City of Charleston" as prohibits the erection of wooden buildings within its corporate limits, ratified on the first day of June, in the year one thousand eight hundred and thirty-eight, together with such provisions of an Act entitled "An Act to amend the laws in relation to the erection of wooden buildings in the City of Charleston," ratified December the twentieth, in the year one thousand eight hundred and fifty-six, as are amendatory of the Ordinance first above mentioned, be, and the same are hereby, repealed, except as to such portions of the said City of Charleston as are hereinafter described, to-wit: All lots abutting on the west side of King street, from South Bay to Calhoun street, and all rear lots, the entrance to which are on said west side of King street; all that territory lying on the east side of King street, and north of South Bay street, and extending northerly as far as Society street, and to Cooper River on the east, excepting such made, marsh, mud or water lots as may be located north of Market street and east of East Bay street; also, all that territory lying east of King street running northerly to Calhoun street, commencing at Society street, and easterly to Anson street; all lots abutting on the east side of Anson street from Calhoun street to Society street, including all rear lots with entrances on said Anson street; all lots abutting on the north side of Society street, from Anson street, running east to Cooper River, including all rear lots with entrances on said Society street: Provided, That every wooden building to be erected on any part of the lots or territory south of Calhoun street exempted from the operation of the Ordinances of said city, and Acts of the General Assembly preventing the erection of wooden buildings, by this Act mentioned, shall be not less than two stories in height, and that all the inner walls of said buildings, including all partitions and ceilings, shall be lathed and plastered: And provided, further, That said buildings shall be covered with slate, tin, tiles, or some other materials not combustible. Any person or persons who shall erect any buildings on any of the lots or territory described in the first provision of this Section as exempt from the operation of the Ordinances of said City, and Acts of the General Assembly, preventing the erection of wooden buildings contrary to any of the provisions of this Act, upon proof to conviction, shall be fined in the sum not less than three hundred nor more than six hundred dollars: And provided, further, That nothing in this Act shall be construed as repealing any portion of an Ordinance entitled "An Ordinance to regulate the erection of steam engines and machinery propelled by steam within the city," passed by the City Council of Charleston, and ratified the eleventh day of January, in the year of our Lord one thousand eight hundred and forty-five.

SEC. 2. All Acts or parts of Acts, Ordinances or parts of Ordinances, inconsistent with this Act are hereby repealed.

Approved March 1, 1870.

A. D. 1870.

Repeal.

Exception of certain localities.

Description.

Proviso.

Further proviso.

A. D. 1870.

No. 299.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ORGANIZE THE CIRCUIT COURTS."

Time of holding Special Sessions.

Chief Justice may order.

Writs, &c., when returnable.

General Sessions at Orangeburg.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to organize the Circuit Courts," ratified the 20th day of August, A. D. 1868, be amended in the 12th Section as follows, viz: Change the first sentence in said Section so as to read: The several Circuit Judges shall have power, in their discretion, to hold special sessions of the Circuit Courts, within their respective Circuits, or upon the order of the Chief Justice, in any Circuit, of which the Judge presiding shall give such notice as the Chief Justice may direct, or as may, in his judgment, be necessary, should no directions be given.

SEC. 2. That all writs and processes issued, or that may be issued, returnable to any Court established by law, which may have been, or be afterwards changed, as to the time of holding its sessions, shall be regarded as returnable to the next stated term of the said Court to be holden thereafter.

SEC. 3. That hereafter the following Courts in the Fourth Circuit shall be held at the following times, instead of the times heretofore prescribed by law:

1. The Court of General Sessions at Chesterfield, for the County of Chesterfield, on the first Monday of January, May and September; and the Court of Common Pleas at Chesterfield, for the County of Chesterfield, on the first Wednesday after the first Monday in January, May and September.

2. The Court of General Sessions at Bennettsville, for the County of Marlboro, on the third Monday of January, May and September; and the Court of Common Pleas at Bennettsville, for the County of Marlboro, on the first Wednesday after the third Monday of January, May and September.

3. The Court of General Sessions at Marion, for the County of Marion, on the first Monday of February, June and October; and the Court of Common Pleas at Marion, for the County of Marion, on the first Wednesday after the first Monday of February, June and October.

4. That all writs and processes which shall have been made returnable to the Courts of any of the said Counties according to the laws heretofore of force, shall be legal and valid, to all intents and purposes, for the Courts next to be held in the said Counties, respectively, according to the provisions of this Act, and all persons already summoned, or who may hereafter be summoned to attend the Courts of any of the said Counties, as jurors or witnesses, or who are now, or hereafter shall be bound in recognizance to appear at any of the said Courts, according to the laws heretofore of force, shall be, and are hereby, required to attend or appear at the Court of the said Counties, respectively, next to be held according to the provisions of this Act.

SEC. 4. That paragraph 2 of Section 2 of an Act entitled "An Act to organize the Circuit Courts," passed the fifteenth day of August, 1868, be amended so as to read as follows: The Court of General Sessions at Orangeburg, for the County of Orangeburg, on the second Monday in January, May and October; and the Court of Common Pleas at Orange-

burg, for the County of Orangeburg, on the Wednesday after the second Monday in January, May and October. All processes, writs, and recognizances of every kind issued (or which, before the ratification of this Act, shall have been issued) and made returnable to either Court on the days appointed by said Act of 1868, shall be returnable to the terms of the said Courts as herein established, the same as if issued or taken in reference thereto.

A. D. 1870.
The Court
of Common
Pleas.

SEC. 5. That the 7th Section of an Act entitled "An Act to organize the Circuit Courts," be amended to read as follows:

The Circuit Courts in the Sixth Circuit shall be held as follows:

1. The Court of General Sessions at Union, for the County of Union, on the second Monday in January, first Monday in March and first Monday in September; and the Court of Common Pleas at Union, for the County of Union, on the first Wednesday after the second Monday in January, and the first Wednesday after the first Monday in March and September.

The Court of
General Ses-
sions at Union

The Court
of Common
Pleas.

2. The Court of General Sessions at York, for the County of York, on the third Monday in January, March and September; and the Court of Common Pleas at York, for the County of York, on the first Wednesday after the third Monday in January, March and September.

The Court of
General Ses-
sions at York.

3. The Court of General Sessions at Lancaster, for the County of Lancaster, on the fourth Monday in January, first Monday after the fourth Monday in March and September; and the Court of Common Pleas at Lancaster, for the County of Lancaster, on the first Wednesday after the fourth Monday in January, and the first Monday after the fourth Monday in March and September.

Lancaster.

4. The Court of General Sessions at Chester, for the County of Chester, on the first Monday after the fourth Monday in January, and the third Monday after the fourth Monday in March and September; and the Court of Common Pleas at Chester, for the County of Chester, on the first Wednesday after the first Monday after the fourth Monday in January, and the third Monday after the fourth Monday in March and September.

Chester.

5. That all processes and recognizances, heretofore made returnable to the Courts of any of the said Counties, be legal, good and binding, for the Court next to be held in said County according to this Act.

Approved March 1, 1870.

JOINT RESOLUTIONS.

JOINT RESOLUTOIN RELATIVE TO EXCHANGE OF PUBLIC DOCUMENTS.

No. 1.

Resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Secretary of State be instructed to acknowledge the receipt of the copy of the statutes transmitted by the Legislative Council of the Province of Quebec, Canada, and inform that body that the Government of the State of South Carolina will take great plea-

Secretary of
State to make
exchange.

A. D. 1869.

sure in an interchange of the laws and public documents published by their respective Legislative Assemblies, and to transmit to the Legislative Council of the Province of Quebec, Canada, a copy of the Acts of the General Assembly of the State of South Carolina, heretofore passed, and a copy of all laws and public documents annually hereafter published.

Approved December 22, 1869.

No. 2. JOINT RESOLUTION DIRECTING THE STATE AUDITOR AND COUNTY COMMISSIONERS TO LEVY CERTAIN TAXES.

Amount of
taxes to be le-
vied.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Auditor be, and he is hereby, authorized and directed to levy, and cause to be collected, a tax of ($\frac{1}{2}$) one-half of (1) one per cent. on all taxable property in the State, to meet appropriations for the fiscal year 1869; and the County Commissioners of each of the Counties are hereby authorized to levy, and cause to be collected, a tax not exceeding (3-10) three mills on a dollar of all taxable property in their respective Counties, to meet the expenses of the said Counties for the fiscal year of 1869, except the County of Pickens, in which the County Commissioners may levy, and cause to be collected, a tax of (7-10) seven mills on a dollar; the Counties of Georgetown and Marlboro, in which the County Commissioners may levy, and cause to be collected, a tax of (4-10) four mills on a dollar; and the Counties of Beaufort and Marion, in which the County Commissioners may levy, and cause to be collected, a tax of (5-10) five mills on a dollar, if, in their judgment, so much be necessary.

Approved December 22, 1869.

No. 3. JOINT RESOLUTION AUTHORIZING THE COUNTY COMMISSIONERS OF WILLIAMSBURG COUNTY TO LEVY A SPECIAL TAX.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That in addition to the tax heretofore authorized to be levied, the County Commissioners of Williamsburg County are hereby authorized to levy and cause to be collected a special tax of two mills on a dollar, the same to be used exclusively for the purpose of rebuilding the jail in the said County.

Approved January 12, 1870.

No. 4. JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF FISH COMMISSIONERS, AND DEFINING THE DUTIES THEREOF.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the

authority of the same: 1st. That a Board of Fish Commissioners shall be appointed by the Governor, to consist of one member from each Judicial District.

A. D. 1870.
Governor to appoint.

2d. It shall be the duty of said Commissioners to inspect all inland streams, in their respective Districts, that are large enough for migratory fish to ascend, and report to the Legislature, at its next regular session, what obstructions are necessary to be removed, and over what natural waterfalls or artificial dams it may be expedient for fishways to be constructed, and what impurities are allowed to flow into, or are cast into, the streams that are poisonous to fish or destructive to their spawn.

Duties.

3d. It shall be their duty to report to the Solicitors, in their respective Circuits, all parties who may be violating the present fish laws of the State; and it shall be the duty of the Solicitors to prosecute all persons so reported.

4th. Said Commissioners are authorized, and are hereby empowered to visit, at all times, and inspect any point they may deem necessary for above mentioned purposes, and are empowered to call to their assistance so many persons as they may deem necessary, in case of resistance; and any person refusing to give assistance shall be liable to a fine of not less than ten, nor more than fifty dollars, to be recovered in any Court of competent jurisdiction in the State.

Powers.

5th. The pay of said Commissioners shall be, to each, two dollars per day for each day, and ten cents per mile for each mile travelled, in the discharge of their duties: Provided, They shall receive pay for not more than ninety days during the year 1870. Such expenses to be paid out of any money in the Treasury not otherwise appropriated.

Compensation.

Approved January 19, 1870.

JOINT RESOLUTION TO DIRECT THE COUNTY COMMISSIONERS OF CHARLESTON COUNTY TO EXAMINE AND REPORT TO THE ATTORNEY-GENERAL CONCERNING CERTAIN LANDS BELONGING TO THE STATE.

No. 5.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of Charleston County be, and they are hereby, directed and required, as speedily as possible, to examine and report what lands belonging to the State in the portion of Charleston County known as the Parish of St. John's Berkely, are now held and used by private individuals, the said report to be made to the Attorney-General, and by him transmitted to the General Assembly.

Description of land.

Approved January 19, 1870.

JOINT RESOLUTION AUTHORIZING THE STATE TREASURER TO ADVANCE SIX THOUSAND DOLLARS PER MONTH TO THE SUPERINTENDENT OF THE PENITENTIARY OF SOUTH CAROLINA.

No. 6.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by

A. D. 1870.
 {
 Treasurer
 authorized to
 pay.

the authority of the same, That the Treasurer of the State be, and is hereby, authorized and required to pay to the Superintendent of the South Carolina Penitentiary, the sum of six thousand dollars per month in advance of the appropriation for said Penitentiary, the said amount to be paid out of any moneys not otherwise appropriated, and to be deducted from the appropriation for said Penitentiary when made.

Approved February 2, 1870.

No. 7. JOINT RESOLUTION TO EXTEND THE TIME IN WHICH CLAIMS OF TEACHERS FOR SERVICES RENDERED DURING THE YEAR COMMENCING OCTOBER 31, 1867, SHALL BE PRESENTED FOR PAYMENT.

Whereas, by the provisions of Joint Resolution No. 16, entitled "Joint Resolution authorizing the State Treasurer to apportion to the several Counties the appropriation of \$25,000 authorized in General Order No. 139, of December 3d, 1867, Headquarters Second Military District, for the support of Free Schools, same to be paid over to the respective County Treasurers, in order to pay claims of teachers, passed by the General Assembly of the State of South Carolina at the Regular Session of 1868-'69, and approved March 26th, 1869, it was prescribed that all claims of teachers for services rendered during the year commencing October 31st, 1867, should be presented for payment on or before the 30th day of June, A. D. 1869; and whereas, in divers Counties, by reason of a misunderstanding of the law on the part of teachers and County School Commissioners, said claims were not presented for payment within the time specified by the aforesaid Joint Resolution No. 16; therefore,

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the time within which the claims of teachers for services rendered during the year commencing October 31st, 1867, shall be presented for payment, be, and the same is hereby, extended to the first day of May, A. D. 1870.

Approved February 3, 1870.

No. 8. JOINT RESOLUTION TO AUTHORIZE THE STATE TREASURER TO ISSUE A RENEWAL OF SIX PER CENT. STATE STOCK.

To Executors
 of Maria Bris-
 bane.

Amount.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized and instructed to issue to the Executor of the Estate of Maria Brisbane, deceased, or his legal representatives, a renewal of six per cent. State stock, Act of 1856, redeemable on the 1st January, 1877, No. 33, for \$3,090, in the name of said Maria Brisbane, deceased, in lieu of the original, which has been lost or mislaid.

Approved February 3, 1870.

JOINT RESOLUTION AUTHORIZING THE STATE TREASURER TO RE-
ISSUE CERTIFICATE OF STATE STOCK TO WILLIAM DOUGHERTY.

A. D. 1870.

No. 9.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized to re-issue to William Dougherty, or his assignee, agent, or attorney, certificates of stock, of the same amount, payable at the same time, and bearing the same rate of interest, as those destroyed: Provided, That the said William Dougherty, his assignee, agent, or attorney, give good and sufficient security in the penal sum of fifteen thousand dollars, to indemnify the State against loss.

Approved February 9, 1870.

JOINT RESOLUTION TO AUTHORIZE THE SECRETARY OF STATE TO
PURCHASE ONE HUNDRED COPIES OF RICHARDSON'S 15TH VOLUME
OF LAW REPORTS, AND ONE HUNDRED COPIES OF RICHARDSON'S
14TH VOLUME OF EQUITY REPORTS.

No. 10.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Secretary of State be, and he is hereby, authorized to purchase one hundred copies of the 15th volume of Richardson's Law Reports, and one hundred copies of the 14th volume of Richardson's Equity Reports, the same being for the use of the State, and for distribution among the other States of this Union.

Approved February 18, 1870.

JOINT RESOLUTION TO CHANGE THE NAME OF ALEXANDER HENRY
RILEY TO ALEXANDER HENRY BUCHANAN.

No. 11.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the name of Alexander Henry Riley, of Chesterfield County, be changed to Alexander Henry Buchanan, and that hereafter the said Alexander Henry Riley be known and called Alexander Henry Buchanan.

Approved February 26, 1870.

JOINT RESOLUTION TO AUTHORIZE THE ATTORNEY-GENERAL TO
INSTITUTE PROCEEDINGS AGAINST THE SOUTH CAROLINA RAILROAD
COMPANY, FOR VIOLATION OF ITS CHARTER.

No. 12.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the

A. D. 1870.

authority of the same, That the Attorney-General be, and he is hereby, required, with the least practicable delay, to institute such proceedings in the Courts of this State as, in his judgment, may be necessary, to enforce the provisions of Section 20 of "An Act to incorporate the Cincinnati and Charleston Railroad Company," passed December 19, 1835.

Approved February 28, 1870.

No. 13. JOINT RESOLUTION AUTHORIZING THE STATE TREASURER TO RE-ISSUE TO ALEX. ROBERTSON, J. F. BLACKLOCK AND E. P. COACHMAN, OR THEIR ASSIGNEES, AGENTS OR ATTORNEYS, AND OTHERS THEREIN NAMED, CERTAIN CERTIFICATE OF STOCK.

Preamble. Whereas, upon examination it appears by the books of the State Treasurer, that there has been duly issued a certificate of stock to the amount of twenty-five hundred (2,500) dollars to Alex. Robertson, J. F. Blacklock and E. P. Coachman, executors of the will of the late John Exum ; and whereas, said stock was lost or destroyed during the conflagration of the city of Columbia, in February, 1865 ; and whereas, it is equitable and just that the said stock should be renewed on the part of the State ; therefore,

Alexander
Robertson &
others.

Bond.

Ruth H. Mil-
lar.

Bond.

A. M. Dehon.

Bond.

Thomas W.
Webb.

Bond.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized to re-issue to Alex. Robertson, J. F. Blacklock and E. P. Coachman, or their assignees, agents or attorneys, a certificate of stock of the same amount, payable at the same time, and bearing the same rate of interest, as those destroyed : Provided, That a bond be legally executed in the penal sum of five thousand dollars, and deposited with the State Treasurer, to indemnify the State against loss ; also, Ruth H. Millar, or her assignee, agent or attorney, certificate of stock of the same amount, payable at the same time, and bearing the same rate of interest as those lost or destroyed : Provided, That the said Ruth H. Millar, her assignee, agent or attorney, give good and sufficient security in the penal sum of one thousand dollars, to indemnify the State against loss ; also, to A. M. Dehon, certificate of the same amount, payable at the same time, and bearing the same rate of interest as that lost or destroyed : Provided, That the said A. M. Dehon, her assignee, agent or attorney, give good and sufficient security in the sum of fifteen thousand dollars, to indemnify the State against loss ; also, to Thomas W. Webb, trustee of Mackeoun and Martha Johnson, certificate of the same amount, payable at the same time, and bearing the same rate of interest as that lost or destroyed : Provided, That the said Thomas W. Webb, his agent, assignee or attorney, give good and sufficient security in the penal sum of twenty-six hundred dollars, to indemnify the State against loss.

Approved February 28, 1870.

JOINT RESOLUTION TO PROVIDE MEDICAL AID FOR THE INDIGENT
SICK IN THE RESPECTIVE COUNTIES IN THE STATE.

A. D. 1870.

No. 14.

Whereas, the present law defining the duties and jurisdiction of County Commissioners does not make it incumbent upon said Commissioners to provide medical aid for the indigent sick in their respective Counties; therefore,

SECTION 1. *Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of the several Counties in the State be, and they are hereby, authorized, whenever, in their judgment, it is necessary, to appoint one or more physicians, whose duty it shall be to furnish medical aid to the indigent sick in their respective Counties; and whenever accounts are rendered for the performance of such duty, the County Commissioners are hereby instructed to examine said accounts, and, if found correct, to audit the same, and give a warrant on the County Treasurer for their payment.

SEC. 2. That the County Commissioners of the respective Counties of this State be, and they are hereby, authorized and required to provide suitable hospital accommodations in connection with the Poor House at or near the County Seats of their respective Counties, where the indigent sick poor may receive medical and surgical aid, free of charge, and to appoint physicians thereto, except the County of Charleston, where the County Commissioners are hereby authorized and required to cause to be built at or near Cordesville, Parish of St. John's Berkeley, a hospital for the indigent sick poor, and to appoint a physician thereto, to be paid as herein provided: Provided, The cost of the said building shall not exceed two thousand (2,000) dollars: Provided, further, That no physician, so appointed to any of the hospitals, shall charge for his services more than one-half the usual fees.

County Com-
missioners to
provide ac-
commodation

County Com-
missioners of
Charleston.

Approved March 1, 1870.

JOINT RESOLUTION TO AUTHORIZE THE COMMITTEE OF INVESTIGATION
FOR THE THIRD CONGRESSIONAL DISTRICT TO MAKE A SIMILAR
INVESTIGATION FOR THE FOURTH CONGRESSIONAL DISTRICT.

No. 15.

Resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Committee appointed by joint resolution of the General Assembly, entitled "Joint Resolution to appoint a Committee of Investigation for the Third Congressional District," passed March 26, 1869, be, and they are hereby, authorized to make such investigation as they may deem proper into the facts and circumstances attending the late Congressional election in the Fourth Congressional District of this State; and for this purpose they are hereby authorized to compel the attendance of witnesses, and to send for papers: Provided, That the Com-

Proviso.

A. D. 1870.

mittee shall receive no compensation from the State for such services rendered under this resolution: Provided, The duty hereby assigned to said Committee shall be performed in the City of Columbia, agreeably to a resolution of the Congress of the United States, in the matter of the contested election of Simpson *vs.* Wallace, and that the same shall be completed on or before 25th of March, A. D. 1870.

Approved March 1, 1870.

No. 16.

JOINT RESOLUTION FOR THE RELIEF OF MARY TAYLOR.

Vesting title
of real estate
in Mary Tay-
lor.

Description
of real estate.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Mary Taylor, of the County of Newberry, be, and she hereby is, invested with the title in fee simple of the following real estate, to wit: All that piece or parcel of land bounded by lands of George Derrich, George Wise, Michael Sheely and others, and on the Saluda River, purchased from Michael Sheely in 1857, containing fifty acres, more or less, and late the property of Stanmore Taylor, the illegitimate child of said Mary Taylor, late of Newberry County, deceased: Provided, Said land shall be subject to the debts of said Stanmore Taylor, deceased.

Approved March 1, 1870.

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